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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION
MICHAEL PRINCE
PLAINTIFF
VS.

CAUSE NUMBER: 4:13cv165-SA-JMV

WASHINGTON COUNTY, MISSISSIPPI
SHERIFF MILTON GASTON, in his Official
Capacity, LIEUTENANT MACK WHITE,
in his individual and official capacity,
DEPUTY MARVIN MARSHALL,
in his individual and official capacity, and
JOHN DOES 1-10
DEFENDANTS

DEPOSITION OF LIEUTENANT MACK WHITE
Taken at the law offices of Campbell DeLong,
923 Washington Avenue,
Greenville, Mississippi,
on Thursday, March 20th, 2014,
beginning at approximately 1:46 p.m.

REPORTED BY:

DEBRA A. WILLIAMS, CCR, #1748
CERTIFIED COURT REPORTER
NOTARY PUBLIC

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APPEARANCES

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For the Defendants:

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Also Present:
Rebecca Gramling

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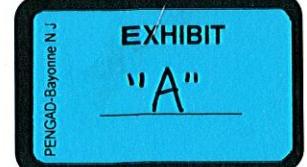
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MICHAEL PRINCE.)

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STIPULATION

1 (Pages 1 to 4)

Providence Court Reporting, LLC
Phone: (601) 720-3862



1
2 It is hereby stipulated and agreed by
3 and between the parties hereto, through their
4 respective attorneys of record, that this
5 deposition may be taken at the time and place
6 hereinbefore set forth, by DEBRA WILLIAMS, Court
7 Reporter and Notary Public, pursuant to the
8 Rules;

9 That the formality of reading and
10 signing is specifically NOT WAIVED;

11 That all objections, except as to the
12 form of the questions and the responsiveness of
13 the answers, are reserved until such time as
14 the deposition, or any part thereof, may be
15 used or sought to be used in evidence.

16 * * *

17 LIEUTENANT MACK WHITE

1 about. This is a statement, and the court
2 reporter is taking down word for word what
3 we're saying. Just simply if I ask you a
4 question, if you give me an answer, I'm going
5 to assume you understand it. Okay?

6 A Yes, sir.

7 Q And you've been sworn to tell the
8 truth, right?

9 A Yes, sir.

10 Q And, look, I'm terrible at asking
11 questions. And a lot of times if I read it
12 back, I don't even understand what I asked. So
13 if I ask a terrible question or if you don't
14 understand what I'm asking, if you would, ask
15 me to clarify it, and we'll get through it that
16 way. Is that okay?

17 A Yes, sir.

18 Q All right. And at the end of the
19 deposition or when it's through and she's
20 transcribed it, you have the right to read and
21 sign your deposition. Do you want to do that?

22 A Yes, sir.

23 Q Okay. And you've given your name, and
24 you said you were employed at the sheriff's
25 department here in Washington County. What

1 having been first duly sworn,
2 was examined and testified as follows,
3 EXAMINATION

4 BY MR. HALL:

5 Q Okay. Would you just state your
6 name, please?

7 A Mack White.

8 Q All right. And where are you
9 employed?

10 A With Washington County Sheriff's
11 Department.

12 Q Okay.

13 MR. HALL: So this deposition is being
14 taken pursuant to notice.

15 And I will ask if we could get this
16 marked. And I think this will be Exhibit
17 2.

18 (EXHIBIT 2 MARKED FOR THE RECORD.)

19 BY MR. HALL:

20 Q Have you ever given a deposition
21 before?

22 A Yes, I have.

23 Q All right. Well, I'm not going to
24 make any assumptions, but I will assume that
25 you kind of know what depositions are all

1 rank are you?

2 A I'm a lieutenant.

3 Q Okay. And in March of 2012, what rank
4 were you?

5 A A sergeant.

6 Q Okay. So I guess that's a promotion?

7 A Yes, sir.

8 Q All right. Well, congratulations.

9 A Thank you.

10 Q What's your address?

11 A My physical address? I mean my home
12 address or work?

13 Q Yes.

14 A [REDACTED]

15 Q Okay. And your employment address?
16 A [REDACTED] and that's here in
17 [REDACTED]

18 Q And you're still a deputy with
19 Washington County?

20 A Yes, sir.

21 Q And how long have you been a deputy
22 with Washington County?

23 A Eleven going on twelve years.

24 Q All right. Before that, where were
25 you?

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1 A I was with [REDACTED] Police
 2 Department.
 3 Q And how long were you with them?
 4 A Three or four years, something like
 5 that.
 6 Q All right. Why did you leave the
 7 [REDACTED] Police Department?
 8 A Better pay.
 9 Q That makes a lot of sense. And then
 10 before [REDACTED] Police, what did you do?
 11 A I was in school, in college, yeah.
 12 Q All right. Student, [REDACTED]
 13 Police, Washington deputy. Here we are.
 14 A Since I've been with the sheriff's
 15 department, I've been with numerous amount of
 16 task forces. I've worked with the U. S.
 17 Marshal Task Force, also the [REDACTED]
 18 Homeland Security Task Force.
 19 Q Okay. Is all that by and through
 20 Washington County?
 21 A Yes, sir, it is.
 22 Q Okay. So it's not different
 23 employers?
 24 A Oh, no, sir.
 25 Q But that's kind of an adjunct onto

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1 Q Okay. What's her name?
 2 A Sharon Norris.
 3 Q Does she have any brothers or sisters?
 4 A Yes. Alfred Norris, Joe Norris, Kim
 5 Norris and Erma Norris.
 6 Q So if we get any Norrises on our jury,
 7 I'll need to ask them a lot of questions,
 8 right?
 9 A Yes, sir.
 10 MR. PHILLIPS: Norrises, Masons, you
 11 need to look out for.
 12 BY MR. HALL:
 13 Q You know, that's why we ask those
 14 questions. I'm not trying to pry into your
 15 wife's family.
 16 A That's fine.
 17 Q Any other relatives that your wife has
 18 in the area? When I say in the area, I mean
 19 Washington County.
 20 A I think she has a sister that lives
 21 here by the name of Keisha Porter, I think.
 22 Q Keisha Porter?
 23 A Yes, sir.
 24 Q And what's your educational
 25 background?

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1 what you're currently doing?
 2 A Yes, sir.
 3 Q Okay. Additional responsibilities,
 4 additional jobs and that kind of thing?
 5 A Yes, sir.
 6 Q All right. Are you married?
 7 A Yes.
 8 Q Okay. And what's your wife's name?
 9 A Felicia, F-e-l-i-c-i-a, White.
 10 Q And were you married before her?
 11 A No.
 12 Q Okay. You have any children over the
 13 age of 18?
 14 A No.
 15 Q Any relatives in the area?
 16 A No. I'm the only one here from my
 17 family. All of my folks live in [REDACTED] and in
 18 [REDACTED] and Georgia.
 19 Q Okay. How about your wife, she's got
 20 any relatives in the area?
 21 A Yes. She's from here. Yes, all of
 22 her relatives are here in this area.
 23 Q Does she have a mother and a father
 24 here?
 25 A Her mother is here.

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1 A I have two years of college.
 2 Q Where did you go?
 3 A Mississippi Delta Community College.
 4 Q Did you graduate with an associate's
 5 degree?
 6 A No, sir.
 7 Q Okay. What were you studying?
 8 A Criminal justice.
 9 Q All right. And could you just
 10 generally describe what your day-to-day
 11 involvement is with law enforcement operations?
 12 A Okay. I oversee the night shift this
 13 month, make sure all the tasks or assignments
 14 is handled, make sure everybody is working his
 15 own, make sure the day-to-day operations goes
 16 fine, all the assignments at hand is handled.
 17 Also, if something comes up that I need to
 18 communicate with a member of the command staff,
 19 I call my supervisor and let him know what I
 20 have as far as answering calls, checking with
 21 units on call, stuff like that.
 22 Q Okay. Who is your direct supervisor?
 23 A Chief Miles -- Assistant Chief Miles.
 24 Q What's his first name?
 25 A Percy Miles.

3 (Pages 9 to 12)

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1 Q And now that you're a lieutenant, are
 2 you a desk jockey or are you still out in the
 3 field?

4 A Still out in the field.

5 Q All right. Back in March of 2012, you
 6 said you were a sergeant?

7 A Yes, sir.

8 Q Were your duties different then than
 9 they are now?

10 A No. They're still the same. I was
 11 shift supervisor.

12 Q Okay. So the duties you just
 13 described to me are the same duties you were
 14 doing in 2012 March, right?

15 A Yes, sir.

16 Q Okay. Now, do you have day-to-day
 17 involvement in managing other law enforcement
 18 officers?

19 A Yes, sir.

20 Q Okay. Could you briefly describe what
 21 that is?

22 A I have four, I'm sorry, I have five
 23 other guys that I oversee on the shift. I make
 24 sure they answer calls, read their reports.
 25 Any complaints that comes in on the officers,

1 your day-to-day duties as a deputy in 2012
 2 would have been as patrol?

3 A Yes, sir. I get out and ride patrol.
 4 I do everything that -- I get out and check
 5 with the other deputies and make sure
 6 everything is okay with them. I mean, I get
 7 out and patrol, too.

8 Q Okay. In March 2012, did you have an
 9 assigned regular partner?

10 A No, sir.

11 Q Okay. Would it have been your
 12 practice to be on patrol or be by yourself most
 13 of the time?

14 A Yes, sir, be by ourselves most of the
 15 time.

16 Q And is that the way the deputies in
 17 Washington County Sheriff's Department are
 18 pretty much assigned? They're by themselves?

19 A Unless they aren't certified or unless
 20 they're training. I mean, they're training
 21 with another officer.

22 Q So all full-fledge deputies, for lack
 23 of a better word, all people that are certified
 24 deputies that are employed with Washington
 25 County are single riders, unless they're

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1 I'll open up an investigation and look into it
 2 and pretty much investigate it and give my
 3 findings to Chief Miles.

4 Q Okay. Is that involvement in managing
 5 other officers the same as it was back in March
 6 of 2012?

7 A Yes, sir, it is.

8 Q Are the same officers reporting to you
 9 that did back in 2012?

10 A No. I have -- they recently switched
 11 the shifts up. I can't remember who I had then
 12 up until now. But I know I do have some new
 13 guys.

14 Q Okay. So if I were to ask you who you
 15 were supervising or managing back in 2012, I
 16 think you just told me you don't really
 17 remember who all that was.

18 A I can name some of them but not all of
 19 them.

20 Q All right. Well, who can you
 21 remember?

22 A Deputy Marshall, Deputy Jones, Deputy
 23 Brown. I can't remember. But those are the
 24 ones I can remember.

25 Q Okay. Is it fair to say that part of

Page 16

1 training somebody?

2 A Yes, sir.

3 Q Okay. And are you assigned a specific
 4 vehicle?

5 A Yes, sir.

6 Q In 2012 were you assigned a specific
 7 vehicle?

8 A Yes, I was.

9 Q And is that true for all deputies who
 10 do patrol?

11 A Yes, sir.

12 Q Okay. And is part of your day-to-day
 13 involvement as a deputy making arrests?

14 A Yes, sir.

15 Q And prior to testifying here today,
 16 did you review any documents?

17 A Yes. I went over my report. When I
 18 found out we had a -- I had a deposition, I
 19 pulled a copy of my report.

20 Q Okay. Anything else?

21 A I can't recall. Yes, I can. Yes, I
 22 can. We had a -- I can't remember what it was.
 23 It was one of these (indicating).

24 MR. PHILLIPS: Interrogatory answers?

25 THE WITNESS: Interrogatory answers,

4 (Pages 13 to 16)

1 yes. Yeah, that's what it was.
 2 BY MR. HALL:
 3 Q Okay. You reviewed those?

4 A Yes.

5 Q Anything else?

6 A Not to my knowledge.

7 Q Okay. You talk about this report that
 8 you generated. You talk about your
 9 interrogatory responses. Did you review any
 10 other documents related to Michael Prince?

11 A No, sir.

12 Q Have you ever reviewed any other
 13 documents relating to Michael Prince?

14 A No.

15 Q Like his criminal files or do a
 16 criminal background check or anything like
 17 that?

18 A No, sir.

19 Q Okay. Are you familiar with Michael
 20 Prince's criminal background?

21 A No, sir, I'm not.

22 Q In March of 2012, were you familiar
 23 with it?

24 A The night that I arrested him, that's
 25 -- prior to me arresting him, the charges I

1 Q Handbooks?
 2 A Yeah. I mean a policy and procedure
 3 book or manual, rather.

4 Q And do you sometime get updates on
 5 those policies and procedures?

6 A Sometime do we get updates?

7 Q Um-hum, yeah.

8 A No, sir. When you first sign on with
 9 them, they give you a policy and procedure
 10 book. Since I've been here, I have two policy
 11 and procedure books. See, I got hired under
 12 the old sheriff, and it was his policy and
 13 procedure book. Then when the new sheriff took
 14 over, he come out with his policy and procedure
 15 book. So I have two.

16 Q All right. And those policy and
 17 procedures with the new sheriff, who would that
 18 be? Who is the new sheriff?

19 A Sheriff Gaston, Milton Gaston.

20 Q Okay. And in March of 2012, you were
 21 operating under Sheriff Gaston's policies and
 22 procedures?

23 A Yes, sir.

24 Q Okay. And when we talked earlier, you
 25 said Marvin Marshall was one of the deputies

1 charged him with, that's all I remember.

2 Q Okay. And we're going to talk about
 3 that just a little later. That's fine.

4 Before you encountered him in the
 5 field, were you familiar with his background?

6 A No, sir.

7 Q I'm not fussing with you. You're a
 8 lot bigger than I am. But if you'll let me
 9 finish my question because you're going to
 10 drive her crazy with her trying to type both of
 11 us. Okay?

12 A Yes.

13 Q I know conversationally that doesn't
 14 -- you know, we're accustomed to going ahead.
 15 But if you will, let me finish. It'll help.
 16 It'll read back a lot smoother. Okay?

17 A Okay.

18 Q All right. And as a Washington County
 19 deputy sheriff, are you required to adhere to
 20 all the policies and procedures of the
 21 Washington County Sheriff's Department?

22 A Yes.

23 Q And what do you do to ensure you're
 24 following those policies?

25 A Handbooks. We have a handbook.

1 that you supervise?

2 A Yes, sir.

3 Q And how do you know him?

4 A I know him from working the shift. I
 5 mean, he's a hard worker. He's dedicated.
 6 He's loyal. I mean, all of the above.

7 Q How long has he been with the
 8 sheriff's department, if you know?

9 A I don't know exactly.

10 Q Was he here when you came?

11 A I know it's more than three years.

12 Q More than three years?

13 A Yes, sir.

14 Q Was he on the department when you came
 15 in?

16 A No, sir.

17 Q So he's been hired since you were
 18 hired?

19 A Yes, sir.

20 Q He's a more recent hire than you?

21 A Yes, sir.

22 Q You know where he came from?

23 A No, sir.

24 Q You know what his background and
 25 training was before he came on?

1 A The only thing I know, before he come
 2 here, the only thing I can testify to is that
 3 we all have to go through the Mississippi Law
 4 Enforcement Training Academy. So that's all I
 5 know about him.

6 Q Okay. And you, in fact, have been
 7 through the law enforcement training academy?

8 A Yes, sir.

9 Q All right. Did you have any input
 10 into hiring Marvin Marshall?

11 A No, I didn't.

12 Q Now, let's talk about your training.
 13 You mentioned that you graduated from the
 14 Mississippi Law Enforcement Training Academy.
 15 Any other training that you've had since you've
 16 been a deputy here?

17 A Yes, sir. With Homeland Security --
 18 well, before then, the sheriff's department,
 19 they sent us to class, different types of
 20 classes. Then with Homeland Security, they
 21 would send us through classes through Homeland
 22 Security.

23 Q Do you remember what classes you went
 24 through through Homeland Security?

25 A Use of force -- let's see -- executive

1 protection, OC certifications. It was -- I
 2 can't recall all of them. It's quite a few.

3 Q Okay. Were you required to take any
 4 tests at the end of each of these classes?

5 A Yes.

6 Q Okay. And what is OC certification?

7 A Tear gas certification.

8 Q And you mentioned three separate
 9 classes through Homeland Security. Can you
 10 recall any other ones?

11 A Excuse me?

12 Q Can you recall any other classes
 13 through the Department of Homeland Security?

14 A Yeah. Let me see. It was -- we had
 15 80 hours -- I think 80 hours of force
 16 protection that was done in Pearl out of
 17 Jackson.

18 Q Force protection?

19 A Force protection, yes, sir.

20 Q What is that?

21 A That's when you ride -- basically like
 22 ride control.

23 Q Okay. Do you receive booklets,
 24 pamphlets, handouts, those types of things in
 25 these classes?

1 A Yes, sir.

2 Q For every one of those classes?

3 A I know for the executive protection.

4 I think it was just for the executive
 5 protection class we got a handout on. But I
 6 can't recall the other two.

7 Q Okay. What about use of force, did
 8 you receive any materials when you went through
 9 that class?

10 A I think so. Yeah, I think so, yes,
 11 sir.

12 Q Do you have a file where you keep
 13 those materials?

14 A No, sir. What I bring back, we
 15 normally run a copy of the certificate off.
 16 And we keep the original, and we give a copy to
 17 the sheriff's secretary.

18 Q Okay. And so you don't have a common
 19 place where you normally keep your materials
 20 that you receive except for your certificate
 21 that you get?

22 A Yes, sir.

23 Q All right. Now, you mentioned you
 24 went through different courses as a deputy
 25 sheriff. Can you name what those are?

1 A It was quite a few. I went through --
 2 the most recent one I went through was a
 3 leadership course for front-line supervisor.

4 Q Is that since you've been promoted to
 5 lieutenant?

6 A That was in 2010. I think I was a
 7 sergeant then.

8 Q Okay. Anything else you can recall?

9 A Not right offhand. I'll have to go
 10 dig it up and look at it.

11 Q Where would you go dig it up?

12 A All of my stuff is at -- on my shelf
 13 in my closet.

14 Q All right. So what would be in that
 15 stuff in your closet?

16 A Certificates. The certificates I
 17 received for going to each class and each
 18 training.

19 Q Okay. And the same question as to the
 20 materials that you received as a deputy in
 21 training separate from Homeland Security. Did
 22 you keep any pamphlets, booklets, anything like
 23 that other than the certificate of completion
 24 for the courses?

25 A No.

1 Q Okay. Let's just talk about a few
 2 terms so that you and I are talking from the
 3 same sheet of music. Can you define what use
 4 of force is?

5 A Use of force. My definition of use of
 6 force, it can go from hands-on, which is
 7 soft-hand control all the way up to deadly
 8 force. It depends on the situation.

9 Q Okay. Can you define what is
 10 excessive force?

11 A Excessive force is just what it says.
 12 I mean, when you overdo something.

13 Q Can we agree that excessive force
 14 would be that force that is utilized in excess
 15 of the force necessary to subdue or apprehend
 16 someone?

17 A Yes, I agree.

18 Q Is that a pretty good definition?

19 A Yes, sir.

20 Q When I use the term "excessive force,"
 21 can we agree that that's what we're going to be
 22 talking about?

23 A Yes, sir.

24 Q Okay. Are you familiar with the term
 25 "use of force policy"?

1 the use of force.

2 Q This would be Sheriff Gaston that
 3 would be talking to you about that?

4 A Yes, sir.

5 Q Or his deputies?

6 A Yes. Or his chief deputy, Gerald
 7 Readman or either Assistant Chief Miles, Percy
 8 Miles.

9 Q Have you ever given talks on use of
 10 force?

11 A Have I?

12 Q Um-hum (affirmative response).

13 A No, sir.

14 Q How many times a month would these
 15 discussions in these meetings occur with regard
 16 to use of force since Sheriff Gaston took over?

17 A We don't have monthly meetings. It's
 18 just whenever he calls a meeting. It might be
 19 every three months. It might be -- it's just
 20 when they call a meeting. I mean, they get up
 21 there and they talk and lay everything out
 22 there and also talk about the use of force.

23 Q Okay. Do you remember prior to March
 24 2012 how many of those type meetings that you
 25 had with just Sheriff Gaston? Strike that.

1 A Yes, sir.

2 Q And in March of 2012, did Washington
 3 County Sheriff's Department have a use of force
 4 policy?

5 A Not in our current manual, no.

6 Q Okay. Well, that's a little different
 7 than the question I asked. Which I'm okay with
 8 the answer you gave. That's not a problem.
 9 But was there a use of force policy in effect
 10 in March of 2012 for Washington County
 11 Sheriff's Department?

12 A When I come on in 2003 under the old
 13 sheriff, it was a use of force policy in place.
 14 When the new -- Sheriff Gaston switched over,
 15 in the manual, there's not a use of force
 16 policy in the manual. But we all know and
 17 we've all been trained, as going through the
 18 law enforcement academy, that you use the least
 19 amount of force necessary to effect an arrest.
 20 That's -- you learn that in the academy and in
 21 the different classes and different training
 22 you go to. They would teach you that. Also,
 23 in our meetings, departmental meetings that we
 24 have, the sheriff or his chief deputy or
 25 assistant chief, they always talk to us about

1 That's a terrible -- that's not really the
 2 question I'm trying to ask.

3 Since Sheriff Gaston took over, up to
 4 March of 2012, do you remember how many of
 5 those types of meetings that you had?

6 A No. It was -- we had -- it was quite
 7 a few. I mean, I can't give you an exact
 8 number.

9 Q Okay. More than five?

10 A I can't give you an exact number.

11 Q Okay. Now, you stated that the new
 12 handbook that Sheriff Gaston had delivered to
 13 you, you received a copy of that?

14 A Yes, sir.

15 Q And you operate under that handbook as
 16 a deputy sheriff in Washington County?

17 A Yes, sir.

18 Q Okay. And that contains the most
 19 specific use of force policy; is that fair?

20 A Not to my knowledge.

21 Q Okay. All right. Can you define the
 22 term "reasonable suspicion"?

23 A Reasonable suspicion?

24 Q Um-hum (affirmative response).

25 A I believe -- no, I can't.

1 Q Can you tell us what probable cause
 2 is?
 3 A Yeah. I know probable cause. I mean,
 4 probable cause is that you have a -- it's like
 5 having a -- it's not a haunch. It's like that
 6 you have -- let me see how I want to word it.
 7 You have to have I'm going to say enough
 8 information or enough knowledge knowing that
 9 something is there. I mean enough information
 10 knowing that something is there.
 11 I mean, what are you looking for? I
 12 might not be saying it the correct way you want
 13 me to say it. I'm just saying, probable
 14 cause --
 15 Q You didn't know you were going to be
 16 taking a test today, did you?
 17 A Not really.
 18 Q You're not exactly sure how to say it,
 19 but you know it when you see it; is that fair?
 20 A Yes, sir.
 21 Q Okay. What does the term "under
 22 arrest" means to you?
 23 A When you place a person under arrest
 24 and he's not free to leave.
 25 Q Okay. And what would you define as

1 the status of a person who is placed under
 2 arrest but has not yet been found guilty of a
 3 crime?
 4 A It's just what it is, he's under
 5 arrest. I mean, he's not -- that just means he
 6 was placed under arrest for that charge. It
 7 doesn't mean he's guilty or anything.
 8 Q If I called the person a detainee,
 9 would that make sense to you?
 10 A Yes, sir.
 11 Q Okay. And do you know what the term
 12 "strike" means?
 13 A Strike?
 14 Q Yes.
 15 A That means to hit.
 16 Q Okay. Is there any definition of
 17 strike in your current manual, employee manual?
 18 A I don't know. I'm not aware.
 19 Q All right. Are there any prohibitions
 20 against striking detainees in your current
 21 employee manual or handbook?
 22 A I think so. I'm not for sure, but I
 23 think so.
 24 Q Okay. What is your understanding of
 25 what those prohibitions would be?

1 A You mean striking a detainee?
 2 Q Yes.
 3 A Okay. I mean, if he's detained, he's
 4 already in cuffs. So, therefore, that's
 5 totally against departmental policy. I mean,
 6 you can't do that.
 7 Q Okay. A detainee that is not in
 8 cuffs, is that -- according to your policy,
 9 would a deputy be authorized to strike the
 10 detainee at that point?
 11 A A detainee. Is the detainee in cuffs
 12 or is he out of cuffs?
 13 Q No, he's not been cuffed.
 14 A He's not cuffed. Well, if he's making
 15 an arrest or if the deputy is trying to make an
 16 arrest and if he's resisting, they use the
 17 least amount of force that's necessary to
 18 effect an arrest.
 19 Q Okay. And is striking authorized in
 20 certain circumstances like what we were talking
 21 about? You said, okay, he's not in cuffs, and
 22 you said he was resisting. In what
 23 circumstances would it be authorized that the
 24 deputy be allowed to strike him, according to
 25 your understanding of the policy and procedure

1 manual?
 2 A Rephrase the question for me.
 3 Q Sure. I absolutely will do that.
 4 According to your policy and procedure manual,
 5 if a subject, a detainee is not yet cuffed but
 6 resisting, what authority does a deputy have to
 7 strike that person?
 8 A Use the minimal amount of force to get
 9 that subject into custody. I mean minimal. It
 10 depends on the situation. I mean, if a
 11 detainee is being aggressive, you really have
 12 to -- it's different scenarios, I mean. But
 13 we're going to go back to using the least
 14 amount of force that's necessary.
 15 Q Okay. According to your handbook, is
 16 striking a detainee in the head ever
 17 authorized?
 18 A No, sir.
 19 Q Now, because I've seen this in some of
 20 the literature that was given, what does that
 21 term "10-23" mean?
 22 A You're on scene.
 23 Q What does the term "10-8" mean?
 24 A You're in service.
 25 Q And under your policy and procedure

1 manual that's currently in effect, would you
 2 classify a blow to the head as deadly force?
 3 MR. PHILLIPS: Object to form.
 4 THE WITNESS: No.
 5 MR. PHILLIPS: Do you understand it?
 6 BY MR. HALL:
 7 Q And your answer is no?
 8 A No.
 9 Q Okay. In what circumstances are you
 10 required to initiate blue lights when you're in
 11 a patrol vehicle?
 12 A We have a policy -- a memorandum that
 13 come out a couple of years ago that all -- if
 14 you're not a supervisor, you have to -- and
 15 you're just a regular deputy, you have to go
 16 through your supervisor. The supervisor can
 17 clear you to run blue lights and sirens. But
 18 as for me being a supervisor, any calls for
 19 assistance or from another deputy or accidents,
 20 traffic stops or home invasions, any kind of
 21 crime that's in progress.
 22 Q Okay. And that authority goes from
 23 sergeant on up?
 24 A Yes.
 25 Q So once a deputy in Washington County

1 respond back to dispatch to tell them what your
 2 status is; is that fair?
 3 A Yes, sir.
 4 Q And is that a requirement every time a
 5 status change?
 6 A No, it's not a requirement, but it's
 7 just courteous. It's officer courtesy. I
 8 mean, they'll tell them -- just say if I clear
 9 this call, I'll say "6 S.O., I'm back. 10-8."
 10 That means I'm in service from this call. The
 11 call is taken care of.
 12 Q You're available to answer other
 13 calls?
 14 A Yes, sir.
 15 Q You mentioned the term "memorandum."
 16 Did I make that up?
 17 A Yeah, you made that up. I don't
 18 remember that.
 19 Q Did you say memo? You received an
 20 memo?
 21 A Oh, memorandum, yes, yes, sir. I had
 22 a brain twist. Yes, sir. Yes, sir, I did.
 23 Q All right. Those memorandums are sent
 24 through Sheriff Gaston?
 25 A Yes, sir.

1 obtains the rank of sergeant, then they are
 2 authorized to use blue lights whenever they
 3 respond to a call?
 4 A Um-hum. And he clears -- I'm not
 5 cutting you off.
 6 Q No. I want you to answer. I don't
 7 want to cut you off.
 8 A All right. The supervisor, just say
 9 for instance, for example, we've got a bad
 10 wreck on 82 with injuries. The supervisor will
 11 clear -- the supervisor of the shift will clear
 12 his guys or tell them it's clear to go ahead
 13 and run code. That's meaning it's clear to run
 14 blue lights and sirens to that call.
 15 Q Okay. And in March of 2012, how were
 16 you told to go to different and various
 17 locations for call?
 18 A They dispatch them.
 19 Q Okay. So all of your calls for
 20 service would go through dispatch?
 21 A Yes, sir.
 22 Q Is that true for all deputies?
 23 A When the calls come in, they come in
 24 through dispatch. Yes, sir.
 25 Q And then as you answer a call, you

1 Q Or other supervisors?
 2 A It goes -- this case here, I think it
 3 was put out by I want to say Assistant Chief
 4 Barber. But the sheriff has the final approval
 5 on it. So they'll see it.
 6 Q Those memorandums that you mentioned,
 7 do those become policy of the sheriff's
 8 department?
 9 A It's just what it's called. It's a
 10 memorandum.
 11 Q And your understanding of that is it's
 12 like an order you're supposed to follow; is
 13 that fair?
 14 A Yes, sir.
 15 Q Since Sheriff Gaston has been there,
 16 other than the meetings that you had where you
 17 discussed use of force, have you participated
 18 in any other training sessions on use of force?
 19 Now, I don't want you to repeat the Homeland
 20 Security that we've already talked about. Is
 21 there anything else?
 22 A No, sir.
 23 Q All right. Any other use of force
 24 sessions that we haven't talked about that you
 25 attended?

1 A No, sir.

2 Q All right. And, to your knowledge, in
3 the handbook that we've been discussing that's
4 currently in force and effect, are there any
5 discussions about the different types of force
6 that's allowable? You mentioned the gradation
7 all the way from soft hands up to lethal force.
8 Anything else that's written down in that
9 handbook that we haven't talked about?

10 A No, sir.

11 Q Are there any policies regarding
12 documentation of use of force in your current
13 handbook?

14 A No, sir.

15 Q That current handbook was in effect in
16 March of 2012, right?

17 A Yes, sir.

18 Q Do you have any idea of why the
19 policies and procedures changed from the ones
20 that were in effect prior to Sheriff Gaston to
21 the current ones?

22 A No, sir, I have no idea.

23 Q And are you required to document every
24 time you use force?

25 A Yes, sir.

1 Q Okay. Tell me a little bit about
2 that. What are you required to document?

3 A You document -- you have to do a
4 report and give detailed -- you have to do a
5 detailed incident report on what happened,
6 dates and times, and what led up to you using
7 use of force. And you also have to notify your
8 supervisor.

9 Q What particularly triggers the
10 requirement that you document?

11 A What triggers?

12 Q Yes.

13 A Anytime you have to use -- well, if
14 you use force, I mean, you have to do a -- it's
15 departmental policy that you have to do an
16 incident report and notify your supervisor.

17 Q Okay. You mentioned soft hands. For
18 example, if you simply just place your hands on
19 a suspect and move him aside, are you required
20 to initiate a report for that?

21 A Anytime you put your hands on a person
22 and you have to arrest them, you have to do a
23 report on it.

24 Q Okay. So it's mandatory under
25 Washington County Sheriff's departmental policy

1 that anytime you touch a subject, detainee,
2 arrestee, whether it's to place them in cuffs
3 or assist them in the back of the car,
4 etcetera, you do a report?

5 A You do a report. As a matter of fact,
6 it's departmental policy that every call you go
7 on you do a report on. Whether it's an alarm
8 call or a house burglary or a rape or whatever,
9 you do a report on it.

10 Q Okay. And what types of things are
11 documented?

12 A I'm not understanding your question.

13 Q When you do your report, is there a
14 standard who, what, when, where, a
15 particularized form that you utilize to do the
16 report?

17 A No. You just do a regular incident
18 report.

19 Q And you keep pointing at an incident
20 report, and we're going to get to it. But
21 that's the type of report that you would be
22 required or that any deputy would be required
23 to do when they effect an arrest or answer the
24 called, as you just said, right?

25 A Yes, sir.

1 Q Okay. Since Sheriff Gaston has been
2 the sheriff, have you been required to undergo
3 any training regarding effecting arrests?

4 A When I went to that leadership class
5 in Slidell, Louisiana back in 2010, all of that
6 was in that class. That's the only class I
7 have had dealing with that.

8 Q Is there a current policy -- I say
9 current, when the new handbook -- regarding use
10 of a force to strike a suspect or detainee?

11 A Ass batons, nightsticks and all that,
12 we don't carry those.

13 Q Only the manual discussed the use of a
14 baton.

15 A Yes.

16 Q You're aware of that?

17 A Yes, sir.

18 Q Okay. And your statement was that you
19 don't need a -- and you didn't say this. I'm
20 going to put these words in your mouth. You
21 don't need a baton policy at this point because
22 y'all don't carry them?

23 A I don't. Well, I'm going to say --
24 let me rephrase that. I don't carry a baton.

25 Q Okay. Are there other officers that

1 do in Washington County Sheriff's Department?

2 A I see -- they don't carry a baton, one

3 of the long batons. They have a little metal

4 -- I think they're called ass batons or

5 something.

6 Q Could you spell that?

7 A I'm not for sure.

8 Q You're saying ash baton?

9 A Ass baton. Ass baton, not ash.

10 Q Like a-s-s?

11 A Um-hum (affirmative response).

12 Q That's what I thought you meant.

13 That's why I asked you to spell it. I didn't

14 want to say it if you weren't going to spell

15 it.

16 Q Okay. You don't know how it got that

17 name, do you?

18 A No, sir. But to add on to the

19 question you asked, we do -- in the academy,

20 they do train you on how to use an ass baton, a

21 nightstick. They show you where to strike a

22 person at if it just so happens you would have

23 to use that. You would get all that training

24 through the law enforcement training academy.

25 Q Okay. Have you received any training

1 not -- non-life-threatening injuries.

2 Q Okay. And aggravated assault?

3 A Aggravated assault is the injuries

4 that's severe and is almost life-threatening or

5 put a person in fear of immediate danger.

6 Q Okay. And when a detainee or an

7 arrestee is injured in March of 2012, what was

8 the policy regarding reporting such injuries?

9 A When a person is injured, first of

10 all, you have to -- you take them down and you

11 book them in. Then you call -- get them

12 checked out by paramedics. Then you take them

13 to the Washington County Regional.

14 Q Okay. How is an injury regarding an

15 injured detainee communicated to dispatch?

16 A It's different ways. You can come

17 across the radio and advise that a subject has

18 been injured. You can call them on the phone

19 and let them know that the subject has been

20 injured.

21 Q Okay. Is there any particular policy

22 that requires you to utilize certain channels

23 of communication to report the injury?

24 A No.

25 Q And that's -- when I'm referring to

1 on the use of a baton since you've been at

2 Washington County Sheriff's Department under

3 Milton Gaston?

4 A No, sir.

5 Q Under the previous administration?

6 A I think so.

7 Q Okay. Is there any policy and

8 procedure that was in place in March of 2012

9 regarding use of a flashlight to strike a

10 detainee?

11 A No, sir.

12 Q Was there any prohibition to using a

13 flashlight to strike a detainee or an arrestee?

14 A No, sir.

15 Q No prohibition. Okay. Is there any

16 policy that was in effect in March of 2012 for

17 reporting criminal activity of a fellow

18 officer?

19 A Yes.

20 Q What policy?

21 A You're saying policy? No, no, it's

22 not.

23 Q And can you just define what simple

24 assault is?

25 A Assault that constitutes injuries but

1 that, I mean that was in effect in March of

2 2012?

3 A No.

4 Q Okay. Prior to March of 2012, had you

5 ever talked with Michael Prince before?

6 A No.

7 Q Since that time, have you ever talked

8 with him other than today?

9 A No.

10 Q Have you ever talked to Michael

11 Prince's parents?

12 A No.

13 Q Okay. During the 2011-2012 year, did

14 you have familiarity with the Wayne Pearson

15 Trailer Park?

16 A Yes, sir.

17 Q You grinned really wide when I said

18 that and that's okay. Tell me a little bit

19 about what your impression of that trailer park

20 is as an officer.

21 A Well, the manager, Bobbie White, she

22 was the manager out there during this time.

23 She had a tendency of calling the sheriff's

24 department a lot.

25 Q And did you have occasion to go out

1 there from 2011 to March of 2012 on more than
 2 one occasion?

3 A Yes, sir, from house burglaries to
 4 just general complaints about disturbances,
 5 just animal complaints like dogs just running
 6 around. I mean, yes, sir.

7 Q Gunshots?

8 A On several occasions, yeah.

9 Q Is it fair to say it would not be
 10 unfamiliar to the Washington County Sheriff's
 11 Department to get disturbance calls on a weekly
 12 basis for Wayne Pearson Trailer Park during the
 13 2011-2012 year?

14 A Yes, sir.

15 Q Okay. From January 1, 2012 to March
 16 17th of 2012, about how many times had you been
 17 out personally to the Wayne Pearson Trailer
 18 Park?

19 A I can't give you an exact number.
 20 More than ten. I mean, we went out a lot.

21 Q Pretty regularly?

22 A Yes, sir.

23 Q And would that be true for the
 24 officers that were under you tutelage or under
 25 your management supervision?

1 calls on her about her children out there or
 2 those kids out there getting into it. But
 3 that's about it.

4 Q Okay. Were there other neighborhoods
 5 that had similar call frequencies in your
 6 patrol area and to the Wayne Pearson Trailer
 7 Park?

8 A You get a few calls off Wilmont, off
 9 Duck Tape Trailer Park. It's the same thing.
 10 You know, they had some of the same crimes that
 11 -- same calls, rather, that Pearson had.

12 COURT REPORTER: Did you say duck
 13 tape?

14 THE WITNESS: Yes, ma'am. That's a
 15 nickname we gave them. It's kind of a
 16 run-down trailer park.

17 BY MR. HALL:

18 Q All right. Now I'm curious. What's
 19 the real name of it?

20 A Normally, when they call a call in out
 21 there, it's get off Avondale Drive or Bristol
 22 Place or something like that.

23 Q So you officers have you been out
 24 there enough you've got your own nickname for
 25 it, right?

1 A Yes, sir.

2 Q Y'all went out there a good bit,
 3 didn't you?

4 A Yes, sir.

5 Q Had you ever had an occasion prior to
 6 March 16th, 17th, 2012 to run into Michael
 7 Prince out there?

8 A No, sir.

9 Q Do you know or did you receive any
 10 reports from any of your officers that you
 11 supervised prior to March 16th, 2012 that they
 12 had had any run-ins with Michael Prince out at
 13 the Wayne Pearson Trailer Park?

14 A No, not to my knowledge.

15 Q All right. Were you familiar with a
 16 gentleman named Steven Johnson at the Wayne
 17 Pearson Trailer Park?

18 A No, sir.

19 Q Any particular person from January
 20 1st, 2012 to March 2012 that you gained
 21 familiarity with by going out to the Wayne
 22 Pearson Trailer Park other than Ms. White?

23 A It's a lady up on the first trailer
 24 when you turn in off of Raceway. I think her
 25 name was Shell. I knew her. I had a couple of

1 A Yes, sir.

2 Q Okay. So let's say between January
 3 1st, 2012 and March 17th, 2012, had you had any
 4 information of any of the officers that you
 5 supervised being involved in altercations at
 6 the Wayne Pearson Trailer Park?

7 A No.

8 Q Had you had any information at the
 9 Wayne Pearson Trailer Park where officers
 10 conduct had been reported as excessive in terms
 11 of using force?

12 A No.

13 Q Do you know a person by the name of
 14 Merick Cleveland?

15 A Merick Cleveland. Merick Cleveland.
 16 Yes, I know Merick.

17 Q Who is that?

18 A His mom used to be my -- as a matter
 19 of fact, his mom is Betsy Ann Cleveland. She
 20 do all the catering for my wife and I.

21 Q Anything else you know about Merick
 22 Cleveland?

23 A I want to say he was in a vehicle
 24 pursuit under the old sheriff or something.
 25 No. It could have been Sheriff Gaston. A

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1 vehicle pursuit or something like that. But I
2 don't know the details of it.

3 Q What about Brenda Gibbs, do you know
4 her?

5 A Brenda Gibbs? Yeah, I know Brenda. I
6 think I was involved in an accident with her.
7 Brenda Gibbs, yeah.

8 Q Did she file a lawsuit against you?

9 A Yes, sir.

10 Q And this would be involving an auto
11 accident?

12 A Yes, sir.

13 Q Okay. What were the allegations, if
14 you remember?

15 A She said I ran a stop sign or
16 something right there at Colorado and Lowe's
17 Road, in which I had stopped.

18 Q Would this have been while you were on
19 duty or is this in your personal vehicle?

20 A On duty.

21 Q Okay. And were you sued in your
22 capacity as a deputy sheriff or individually?

23 A A deputy sheriff.

24 Q Okay. And do you know who Breanna
25 Pennington is?

1 the two individuals in the incident we were
2 discussing?

3 A Yes.

4 Q Okay. And you said it probably
5 happened in 2009?

6 A Yeah, it was somewhere around 2009.

7 Q And then that's not unusual for a
8 legal process. It takes a little while. So it
9 was dismissed in 2011; is that fair?

10 A Yes, sir.

11 Q And that had nothing to do with use of
12 force or anything to that affect while you were
13 an officer at Washington County?

14 A No, sir. It was from a car wreck.

15 Q Okay. I have to ask. Okay. Let's
16 spring forward to March 16th, March 17th, 2012.
17 Were you on duty that evening?

18 A Yes, sir, I was.

19 Q Okay. And what were your duty
20 assignments on that day?

21 A Just like normal -- normal duty
22 assignments. We'll come in for a shift
23 meeting. I let them know what I have. If
24 somebody needs to be picked up or transported
25 to the hospital or do anybody need a relief at

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1 A Yeah. She was also listed in the
2 lawsuit.

3 Q Okay. And Breanna Pennington and
4 Brenda Gibbs, that was the same lawsuit?

5 A Yes, sir.

6 Q These weren't two separate suits?

7 A No.

8 Q If they were two separate suits, it's
9 the same incident?

10 A Yes, it's the same incident.

11 Q Okay. And would this have been in
12 2011, if you remember?

13 A I can't remember when it was. It was
14 like more so 2009 or 2010, something like that.

15 Q Okay.

16 MR. HALL: And if we can, we'll have
17 this marked as an exhibit.

18 (EXHIBIT 3 MARKED FOR THE RECORD.)
19 BY MR. HALL:

20 Q I'm going to show you Exhibit 3. And
21 the reason I referenced 2011, this is a lawsuit
22 by Brenda Gibbs and Breanna Pennington v. Mack
23 White, individually and officially. There's a
24 judgment of dismissal on December 2nd, 2011.

25 Does that refresh your memory as to

1 the hospital with a lunacy or an inmate or
2 something, I'll have a guy assigned to go and
3 take care of it. But if not, we fill up with
4 gas and get out and just ride and check the
5 county.

6 Q Were you assigned to a specific
7 portion of the county?

8 A No, sir, not as a supervisor. I roam
9 all over.

10 Q And do you remember what day of the
11 week this was?

12 A No, sir.

13 Q Okay. And do you remember being
14 called to go to the Wayne Pearson Trailer Park
15 about a disturbance?

16 A I wasn't called. Actually, I was on a
17 call on Stokes Road or L and W Fish Farm when
18 Sergeant Parson come across the radio, him and
19 Deputy Marshall, about a disturbance call at
20 Wayne Pearson. And Sergeant Parson come across
21 the radio advising dispatch that he had these
22 shots fired in the area. So I finished up my
23 call and proceeded to call -- to the area they
24 was at.

25 Q Okay. Tell us what you remember about

13 (Pages 49 to 52)

1 that incident.

2 A Okay. When I proceeded to the area,
 3 when I got there, Sergeant Parson was standing
 4 -- was walking along the fence line in the back
 5 of Pearson Trailer Park there. I asked him
 6 what he had. He said the guy just run out in
 7 the woods and went to shooting. You could hear
 8 -- you could hear him walking in the woods. At
 9 that time I said, well, I'm going to go into
 10 the woods this way. You just make sure he
 11 don't come -- he don't come and double back on
 12 us.

13 I went into the woods. I had my radio
 14 and my flashlight in my hands. I went into the
 15 woods shining my light. And, therefore, I
 16 located Mr. -- I located a black male laying on
 17 the ground with no shirt on, sweating and with
 18 his hands under him. At that time I told him
 19 didn't move -- I mean don't move. And as he
 20 tried to run -- he got up and tried to run, his
 21 legs got tangled up in some vines and tree
 22 branches. At that point I ran into him and
 23 tackled him.

24 When I tackled him, I lost my
 25 flashlight and my radio fell out of my hand.

1 Q And obviously this is in March?
 2 A Um-hum, March the 17th.
 3 Q Okay.
 4 A March 16th, rather.
 5 Q All right. Now, you came on the
 6 scene?
 7 A Yes, sir.
 8 Q Exited your vehicle?
 9 A Yes, sir.
 10 Q Do you remember about what time that
 11 was?
 12 A Is it okay to refresh my memory? I
 13 have my report.
 14 Q Please do. That's fine.
 15 A It had to be around 11 something,
 16 11:30 at night. It was 2330. Yeah, that's
 17 11:30. All right.
 18 MR. HALL: Well, let's have this
 19 marked. It'll be Exhibit 4, right?
 20 COURT REPORTER: Um-hum (affirmative
 21 response).
 22 (EXHIBIT 4 MARKED FOR THE RECORD.)
 23 BY MR. HALL:
 24 Q Okay. We've handed you another
 25 document. The document we had marked as

1 So as he was still trying to get up, we both
 2 were tangled up in vines. But he got up before
 3 I did. I knocked him down again. I pushed him
 4 down again. I got on top of him and I put my
 5 knee in his back and I had him at gunpoint and
 6 told him don't move. And at that time he was
 7 steady trying to fight, so I holstered my gun.

8 I was telling the other guys about him
 9 knocking the radio out of my hand. I was
 10 telling the other guys, I said, I got him over
 11 here. "Stop resisting." "Stop resisting." He
 12 was steady swarming, trying to fight, trying to
 13 get away. At that time Deputy Cartlige come in
 14 and took him into custody.

15 Q Curliss?

16 A Cartlige.

17 Q Spell that, please.

18 A C-a-r-t-i-l-e-d-g-e. So when he come
 19 around there and helped me find -- took him
 20 into custody. It was so heavy and it had so
 21 much -- it was so thick in there that you
 22 couldn't really -- you really couldn't see
 23 nothing. The only reason why I found my radio,
 24 because when they keyed up to talk, I found
 25 that. And I never did find my flashlight.

1 Exhibit 4 was Bates No. WCM-279, correct?
 2 A Yes, sir.
 3 Q Okay. And this is for the record for
 4 clarity. Okay?
 5 A Okay.
 6 Q And you've been handed another
 7 document that is Bates stamped WCM-281, right?
 8 A Yes, sir.
 9 Q If it's okay, we'll just make those
 10 all part of Exhibit 4. All right?
 11 A Okay.
 12 Q And those are -- both of those pages
 13 are your complete report for that incident that
 14 we've been discussing; is that fair?
 15 A Yes, sir.
 16 Q Okay. All right. You refreshed your
 17 recollection with what's been marked as Exhibit
 18 No. 4?
 19 A Yes, sir.
 20 Q Now, I'd asked you what time you
 21 arrived on scene and exited your vehicle. Does
 22 that document refresh your memory as to the
 23 time?
 24 A Yes, it does.
 25 Q And what time is that?

1 A 11:30 at night.
 2 Q And is that going to be on March the
 3 17th?
 4 A No. That's going to be March the
 5 16th.
 6 Q Okay. And so this document that we've
 7 marked as Exhibit No. 4 actually has a date
 8 stamp of 3/17/2012?
 9 A Yes, sir.
 10 Q Can you explain that?
 11 A Yes, sir. I went to a call on March
 12 the 16th. I assisted the units on March 16th
 13 at 11:30. I didn't do the report until like at
 14 7:00 -- 7:17 a.m. on the next day. That's when
 15 I -- after I got all of the information from
 16 the hospital and talked with my supervisor, I
 17 left. After I went back trying to find some
 18 evidence, I left and went back to the office
 19 and done a report.
 20 Q Okay. There are parts of your report
 21 that appear to continue over into about 1:57
 22 and 2 a.m.?
 23 A Yes.
 24 Q Okay. And so is it fair to say then
 25 that March 16th and March 17th is a

1 A (Witness complies.)
 2 Q Okay. So that's in about the middle
 3 of the trailer park?
 4 A Of the trailer park, yes, sir.
 5 Q Okay. And you said Parson was along a
 6 fence line. There's a dark line drawn already
 7 on that piece of paper. Is that what you're
 8 calling the fence line on Exhibit 1?
 9 A Yes, sir.
 10 Q Okay. And you drew a star. And you
 11 also pointed to a spot along the fence line
 12 that's in between two of those trailers. Is
 13 that where you saw Sergeant Parson?
 14 A No. I was pointing at the fence line.
 15 Sergeant Parson was walking along the fence
 16 line here. I actually -- I went between the
 17 trailers and met him. He was walking, and he
 18 told me -- well, briefed me on what he had.
 19 And the guy was out in the woods.
 20 So I left and went around the fence
 21 line off of the Raceway Road side here and
 22 started in the woods. You could hear him
 23 walking.
 24 Q You could hear who walking?
 25 A Michael Prince.

1 continuation of the same incident or series of
 2 events involving the incident that we're
 3 discussing here?
 4 A Yes, sir. Yes, sir.
 5 Q Okay. And so we're clear on that?
 6 A Yes, sir.
 7 Q Sergeant Parson. You got out of your
 8 vehicle sometime around 11:13, right? Is that
 9 what you said?
 10 A At 11:13 Sergeant Parson came across
 11 the radio and advised that he had shots fired.
 12 I didn't make it on scene until 11:30.
 13 Q 11:30. Okay. And at 11:30 you got
 14 out of your vehicle?
 15 A Yes.
 16 Q Where was Sergeant Parson when you got
 17 out?
 18 A When I pulled up, I pulled off of
 19 Raceway Road and pulled right behind his car in
 20 the trailer park.
 21 Q All right. We've been making pretty
 22 little pictures on Exhibit No. 1. If you
 23 would, take out that red Sharpie right there
 24 and just draw a star where you just pointed to
 25 say that that's where you were stopped.

1 Q And that's the person that's in the
 2 woods?
 3 A Yes.
 4 Q Did you know at the time you had
 5 walked around that fence line going into the
 6 woods that was Michael Prince?
 7 A No, sir. No, sir.
 8 Q Okay. Just being clear. All right.
 9 So when you got to the fence line and saw
 10 Officer Parson, had you heard any shots?
 11 A No, sir.
 12 Q What was your understanding about
 13 hearing shots?
 14 A Well, when he come across the radio,
 15 he just said, "S.O., I've got a subject that
 16 run out in the woods, right at the edge of the
 17 woods, and shots have been fired." That's what
 18 come across the radio.
 19 So immediately when you have a unit
 20 that says that, calling for assistance, I mean,
 21 you pretty much drop everything and get there.
 22 Q Okay. Did Sergeant Parson ever tell
 23 you that the person ran into the woods and then
 24 fired the shots?
 25 A That's what he told me. That's what

1 he said. He said once they was out in the
 2 woods, once the subject run out in the woods
 3 behind Pearson Trailer Park and fired, he heard
 4 the shots. That's what he said.

5 Q Okay. And so it was your
 6 understanding when you got there, that the
 7 person in the woods that you were about to go
 8 chase, that you could hear, that turned out to
 9 be Michael Prince had fired shots from in the
 10 woods?

11 A Yes, sir, that was my understanding.

12 Q And that came from -- that
 13 understanding came from Sergeant Parson to you?

14 A Yes, sir.

15 Q So you talked to Sergeant Parson along
 16 the fence line. You stated that you walked
 17 back around the fence line and went around the
 18 fence?

19 A Um-hum (affirmative response).

20 Q This fence, did it have gaps or holes
 21 that you could crawl through?

22 A No, sir.

23 Q Okay. It was a solid fence?

24 A It was a chain-link fence, yes.

25 Q Chain link?

1 A Yes, sir.

2 Q So you could actually see through the
 3 fence?

4 A Yes, sir.

5 Q But you just couldn't crawl through
 6 it?

7 A No. There was no holes in it.

8 Q But it wasn't like one of these wooden
 9 decorative fence?

10 A No. It was chain link.

11 Q Okay. What were the lighting
 12 conditions as you rounded this fence line here?

13 A It was dark. It was dark.

14 Q Were there any street lights?

15 A The street lights was in the trailer
 16 park. I know they have pole lights. It's a
 17 couple of pole lights on Raceway. But as you
 18 entered into the woods, it was so thick. I
 19 mean it was dark in there.

20 Q Okay. And you had a flashlight?

21 A Yes, sir.

22 Q And were you alone or were there other
 23 officers following you?

24 A I was the only one.

25 Q So you were the sole officer that was

1 going into the woods after someone who had --
 2 was your understanding, who had fired shots?

3 A Yes, sir.

4 Q Okay. Did you have any type of
 5 protection? A bulletproof vest or anything
 6 like that?

7 A I always wear my vest. Yes, sir.

8 Q Okay. I have to ask,

9 MR. PHILLIPS: You were wearing your
 10 vest?

11 THE WITNESS: Yes, sir.

12 MR. HALL: You thought he said no,
 13 right?

14 MR. PHILLIPS: I couldn't hear him.

15 MR. HALL: Okay. That's what it
 16 sounded like to me, too.

17 BY MR. HALL:

18 Q Okay. Yeah, it sounded like you said
 19 you weren't wearing your vest.

20 A No. I was wearing my vest. Yes, sir.

21 Q Okay. I just want to make sure. But
 22 you were wearing your vest, all joking aside?

23 A Yes, sir.

24 Q And so you proceed on into the woods?

25 A Yes, sir.

1 Q And your statement was you could hear
 2 someone walking?

3 A Yeah, you could hear someone walking,
 4 yes, sir.

5 Q Okay. Did you initiate any verbal
 6 commands?

7 A Yes. When I come across him, at that
 8 time I told him didn't move. And at that time
 9 when I told him didn't move, he was climbing up
 10 to his -- climbing up using his -- he was
 11 laying there with his hands -- hands up under
 12 him, and he was sweating profusely. So when I
 13 told him -- gave him the verbal command to
 14 don't move, that's when he started to get up
 15 and try to run, but he got tangled up in the
 16 vines. That's when I tackled him the first
 17 time.

18 Q Okay. Maybe you got a little ahead of
 19 me and maybe you didn't. As you rounded the
 20 fence line right here, the part closest to the
 21 road, and this, I believe, is marked as North
 22 Raceway Road; is that right?

23 A Yes, sir.

24 Q That's on Exhibit 1. So there's a gap
 25 between this black line what looks like is a

1 fence and north Raceway Road?

2 A Yes, sir.

3 Q And that's the route that you took,
4 right?

5 A Yes, sir. I come right around --
6 walked behind the trailers and come right
7 around the fence and made that sharp right and
8 walked back down.

9 Q This, what I'm calling a gap between
10 Raceway and this black fence line that we've
11 drawn in here, looks like there's a little
12 opening right there. Is that fair enough to
13 say?

14 A Yes, sir.

15 Q When you reached that opening, before
16 you went into those woods, did you initiate any
17 verbal commands?

18 A No, sir. No, sir, not at that time.

19 Q All right. So when you rounded there,
20 you just headed straight into the woods?

21 A Headed straight in the woods.

22 Q Did you identify yourself at all to
23 the person that was in the woods?

24 A No, sir.

25 Q Did you let him know you were coming?

1 A No, sir.

2 Q Why not?

3 A Why not? I'm trying to sneak up on
4 him. You can't have somebody out there
5 shooting. I'm trying to get up on him. I
6 mean, if you're out there shooting, we can't
7 have somebody just running out of the woods, I
8 mean, just shooting.

9 Q Okay. Well, you said you could hear
10 him?

11 A Yeah. So I know if he could hear -- I
12 could hear him, he could hear me. I know that.

13 Q Right. So you assumed that he could
14 hear you, too?

15 A Yeah. He knew that the police was
16 there.

17 Q Did he know you were a policeman?

18 A No, sir, he didn't.

19 Q You never identified yourself?

20 A No, sir, I didn't.

21 Q Okay. You had a flashlight?

22 A Yes, sir.

23 Q And a radio?

24 A Yes, sir.

25 Q What hand did you have your flashlight

1 in?

2 A My flashlight was in my right hand and
3 my radio was in my left.

4 Q Okay. And did you walk along the
5 fence line or were you into the woods?

6 A I come along the fence line for so
7 many feet. Then I cut off at -- cut back at
8 south. So that would be I took a left to the
9 south.

10 Q Okay. About how deep were you away
11 from the fence line?

12 A A good 20, 25, 30 feet.

13 Q Okay. When you looked back towards
14 the trailer park, could you see the trailers?

15 A Yes, sir.

16 Q You could see the lights?

17 A Yeah. Very little lighting.

18 Q Could you see any of your deputies
19 along the fence line?

20 A No, I couldn't.

21 Q And you said you were alone. No
22 deputies were following you?

23 A No. Because at the time when I made
24 it there, the only deputy I saw was Sergeant
25 Parson. I didn't even see Deputy Marshall.

1 The only somebody I saw was Sergeant Parson. I
2 just told him to monitor the fence line while I
3 go in and try to flush him out. We just -- we
4 didn't want him to double back on us.

5 Q Okay. So along the fence line, that's
6 where you told the officers to station
7 themselves?

8 A Yes. That was -- Parson was already
9 there shining lights prior to my arrival.

10 Q Okay.

11 A So I just told him just to monitor the
12 fence line while I go out and make sure he
13 don't -- the guy don't double back on us.

14 Q Okay. This fence along the trailer
15 park from Raceway Road, how far does it run?
16 Does it run the entire length of the trailer
17 park?

18 A It runs all the way back to here, I
19 think, this house -- this trailer back over
20 here. I don't know if the fence could -- I
21 can't remember if the fence stops and go south
22 or not. I can't remember. But I know it runs
23 along these trailers here (indicating). It
24 runs all the way.

25 Q Is the fence closed? Is it an

1 enclosure?

2 A No. It's just this fence here. I
3 don't know if it goes back. It don't close the
4 whole -- box the whole trailer park off, no.
5 It's just a line here (indicating). I can't
6 remember whether it goes south or not.

7 Q All right. We've done a lot of
8 pointing on this exhibit. We probably need to
9 draw a dotted line with -- you can use the red
10 marker where you say the fence line runs. If
11 you will, let's go ahead and draw that on
12 Exhibit 1. I don't care what we use. Just
13 mark it. I don't think you can read it if you
14 just use a highlighter. But you can try it and
15 see if it works. No, you're not going to be
16 able to read that.

17 MR. PHILLIPS: I've got a green one.

18 MR. HALL: That's fine. That'll
19 probably show up. Nothing is going to
20 show up when we copy it.

21 MR. PHILLIPS: Does that work at all?

22 THE WITNESS: Yeah, it works.

23 BY MR. HALL:

24 Q Okay. You're drawing a green dotted
25 line where, to the best of your knowledge,

1 that's where the fence line runs?

2 A Yes.

3 Q Okay. Is this fence more like a
4 barrier than an actual fence that encloses
5 anything?

6 A I would say it's more like a barrier.

7 Q Yeah. That's what it sounds like.
8 Okay. So you're out there. You hear somebody
9 in the woods. You take your flashlight and
10 you've got a radio in your other hand. You
11 don't have your weapon drawn?

12 A No, sir, not at that point.

13 Q Why not?

14 A Because, I mean, I'm still looking. I
15 mean, I'm still looking. I'm communicating. I
16 got the flashlight in one hand shining, and I
17 got the radio communicating with the other
18 guys.

19 Q And you're in the woods where you
20 understand that someone has fired shots?

21 A Yes, sir.

22 Q And you can hear a person. And you've
23 not drawn your service revolver?

24 A Not yet.

25 Q Okay. And that's because you haven't

1 identified the person?

2 A I haven't identified him yet.

3 Q All right. Where were you when -- if
4 you can on this picture, take that green marker
5 and show -- draw a little X where you were when
6 you came upon what later was identified as
7 Michael Prince.

8 A He wasn't -- he was going to be
9 somewhere -- somewhere right up in here
10 (indicating).

11 Q Okay. So if we were to go straight
12 north, we'd almost run right into your -- where
13 the little star is where you had your police
14 vehicle parked, right?

15 A Yes, sir.

16 Q Okay. When you were there, could you
17 hear voices coming from the trailer park?

18 A I could hear. What I was telling
19 Mr. Prince, well, the gentleman --

20 Q You can call him Mr. Prince. That's
21 fine.

22 A Mr. Prince, when I was telling him to
23 stop resisting, he was steady trying to fight
24 and trying to get away. I'm steady telling him
25 stop resisting, stop resisting. I can hear

1 some people in the background when I stopped --
2 when I tell him stop resisting, I can hear some
3 people talking in the background. I don't know
4 whether they were civilians or the other
5 deputies trying to get to me.

6 Q Okay. You came upon him. You said he
7 was sweating profusely?

8 A Yes, sir.

9 Q And he got up. You told him --

10 A Yeah, he was trying to get up. His
11 feet was tangled up in the vines and the
12 brushes. And at that time I tackled him. And
13 when I tackled him, during the process of me
14 tackling him, I dropped my flashlight, and my
15 radio fell out of my hand. So at that time he
16 tried to get back up. That's when I knocked
17 him down and put my knee in his back and had
18 him at gunpoint.

19 Q Okay. And at what point did you place
20 the cuffs on him?

21 A I didn't place the cuffs on him until
22 Deputy Cartlige got there. Deputy Cartlige was
23 the one that helped me put the cuffs on him.

24 Q All right. So you had your knee in
25 his back?

1 A Yes, sir.
 2 Q And where was his face?
 3 A His face was down in the brush, down
 4 in the brushes and, I guess, the tree limbs and
 5 all that.
 6 Q Okay. All right. And you came upon
 7 him. I don't want to put words in your mouth.
 8 This is my recollection of what you said. You
 9 hit him with a flashlight.
 10 A I didn't never hit him with a
 11 flashlight.
 12 Q Excuse me.
 13 A I didn't never hit him with a
 14 flashlight.
 15 Q No, no, no. The beam, the flashlight
 16 beam, you shined the light. Let me say this
 17 more eloquently.
 18 A Yeah, clarify that.
 19 Q I'm going to get to that in a minute.
 20 But you shined the beam on him?
 21 A I shined the light, yes.
 22 Q Yes, the flashlight beam. And he was
 23 sweating profusely?
 24 A Yes.
 25 Q What command did you give him at that

1 because he was fighting.
 2 And then after I had my weapon drawn,
 3 I didn't want him to get my weapon, so I was
 4 keeping his head down like this with my knee in
 5 his back with my gun drawn just like this here
 6 (indicating).
 7 Q Were you on top of him?
 8 A Yes, sir, I was.
 9 Q Okay. What part of his body were you
 10 in contact with?
 11 A What do you mean? I was on his -- I
 12 had my knee in his lower part and this hand
 13 here (indicating) was around his neck area.
 14 Q And you were holding him down?
 15 A And I was holding him down, yes, sir.
 16 Q And about how -- size wise, what's the
 17 comparison?
 18 A What do you mean?
 19 Q Could you tell when you were out there
 20 that he was a bit smaller than you?
 21 A I could tell that. But through my
 22 training and experience, a little guy will hurt
 23 you faster than a bigger guy will. So I ain't
 24 taking no chances.
 25 Q Okay. I'm not asking you to. I'm

1 point?
 2 A Not to move. Stop.
 3 Q Okay. At that point did you identify
 4 yourself as a police officer?
 5 A No. But my radio -- the radio traffic
 6 that I had, I mean, that I was relating to the
 7 other officers, he knew I was a police officer.
 8 Q You made that assumption. You didn't
 9 tell him you were a police officer?
 10 A No.
 11 Q Okay. So you told him --
 12 A Don't move.
 13 Q And he tries to get up?
 14 A And he tries to get up.
 15 Q You tackle him?
 16 A Yes, sir.
 17 Q And you put your knee in his back?
 18 A The second time, yeah.
 19 Q The second time. And what was the
 20 purpose of that?
 21 A He was trying to get away. And he had
 22 already lost my radio. I couldn't call for
 23 help. And I lost my flashlight. I just wanted
 24 to put some weight on him and some pressure on
 25 him until the other units got there, I mean,

1 just asking you what your observations were.
 2 A Okay.
 3 Q All right. So you're out there.
 4 You've got your knee in his back and your hand
 5 on the back of his head?
 6 A Yes, sir.
 7 Q Was he acting in any manner aggressive
 8 towards you?
 9 A Yeah. He wasn't following commands.
 10 He wasn't following my commands.
 11 Q I understand that. You had stated he
 12 was trying to run.
 13 A Yeah, he was trying to get away.
 14 Q Was he trying to attack you in any
 15 way?
 16 A He was trying to get away. I mean
 17 fighting and all that trying to get away.
 18 Q Okay. You used the term "fighting."
 19 Describe exactly what he was doing.
 20 A Swinging his arms, I mean, snatching
 21 away, I mean, all that.
 22 Q Was he swinging?
 23 A He's swinging his arms, I mean,
 24 snatching away, trying to -- scooting and
 25 trying to get up. I mean, he's making all

1 kinds of gesture trying to flee.
 2 Q Did you see a weapon?
 3 A No.
 4 Q Okay. Were you looking for one?
 5 A I was looking for one. I didn't see
 6 his hands when I first come in contact with
 7 him, so I was looking for one, yeah.
 8 Q Okay. When you had your flashlight
 9 shining on him, not when you hit him with your
 10 flashlight, when you --
 11 A I never hit him with a flashlight.
 12 Q I understand that. When you had your
 13 flashlight shining on him, you didn't see a
 14 gun?
 15 A No. I didn't even see his hands.
 16 Q Okay. You're saying his hands were
 17 completely under him?
 18 A Under him, yeah. He was laying on his
 19 hands.
 20 Q And he got up to run. You tackled him
 21 the second time, because he got up and tripped
 22 the first time.
 23 A When his feet was tangled up -- okay.
 24 The first time when his feet was tangled up, he
 25 tried to run. That's when I -- I had my

1 hands?
 2 A No, sir, I didn't.
 3 Q Okay. Now, at some point you put the
 4 cuffs on him?
 5 A Myself and Byron Cartlige. Deputy
 6 Cartlige helped me to put cuffs on him.
 7 Q Okay. What did Deputy Cartlige do to
 8 help you put cuffs on him?
 9 A Grabbed his wrists and helped me put
 10 his hands behind his back.
 11 Q All right. And this is while y'all
 12 were still in the woods out here?
 13 A Yes, sir, it is.
 14 Q All right. Did Deputy Cartlige have a
 15 light, flashlight?
 16 A Yes, sir.
 17 Q Was he shining the light on Mr. Prince
 18 at any point in time?
 19 A I'm not aware of it.
 20 Q Okay. Did you ever see Deputy
 21 Cartlige strike Mr. Prince?
 22 A No, sir, he didn't.
 23 Q Did Deputy Cartlige ever put his hands
 24 on Mr. Prince?
 25 A No, sir, besides putting his hands --

1 flashlight and my radio. I tackled him, lost
 2 my flashlight. The radio was knocked out of my
 3 hand.
 4 The second time, as he tried to get
 5 up, I knocked him down. I put my knee in his
 6 back and had him at gunpoint. I hand my hand
 7 around his head. That's what happened.
 8 Q Okay. And then what we had discussed,
 9 you said he was swinging his arms?
 10 A Swinging his arms.
 11 Q Was he swinging his arms in an effort
 12 to hit you?
 13 A He was swinging his arms. I mean, as
 14 far as trying to hit me, I can't really say he
 15 was trying to hit me. I know he was swinging
 16 his arms trying to get away. And I'm doing
 17 everything I can until I can get some backup
 18 there to help me.
 19 Q Okay. And now I'm going to ask you
 20 did you ever strike him with your flashlight?
 21 A No. I never hit him.
 22 Q Did you ever strike him with any
 23 object?
 24 A No, sir, I didn't.
 25 Q Did you ever strike him with your

1 helping me put his hands behind his back.
 2 Q Other than helping you cuff him, you
 3 never saw Deputy Cartlige touch him whatsoever?
 4 A No, sir.
 5 Q Okay. And you certainly never saw
 6 Deputy Cartlige hit him with any object?
 7 A No, sir.
 8 Q During that time, was there anyone in
 9 the trailer park making any sounds, yelling at
 10 you-all? Did you ever hear anything like that?
 11 A No.
 12 Q Okay. So when you exited the woods,
 13 which way did you go?
 14 A We headed back east.
 15 Q Come back the way you came?
 16 A Yes, sir.
 17 Q All right. And were you the one that
 18 then took Mr. Prince into custody?
 19 A We walked him back -- myself and
 20 Deputy Cartlige walked him back to Raceway
 21 Road. He was put into Deputy Jackson's
 22 vehicle. Deputy Jackson transported Mr. Prince
 23 down to the sheriff's department.
 24 Q Okay. So he didn't ride in your car?
 25 A No, sir.

1 Q Okay. Where was Deputy Marshall
2 during all of this?

3 A I have no idea. I haven't seen him
4 yet.

5 Q He was not out in the field?

6 A No, he was not out in the field. The
7 only three people that was out in the field was
8 myself, Deputy Cartlge and Deputy Jackson.

9 Q Okay. All right.

10 MR. PHILLIPS: We're calling it a
11 field?

12 THE WITNESS: Yes. Or woods.

13 MR. HALL: Woods, field. From here,
14 it looks like it's woods. Is that fair
15 enough? It's woods?

16 MR. PHILLIPS: Yeah. I mean, he said
17 field a couple of times. And I was going
18 I don't remember us talking about any
19 fields until y'all started talking about
20 it.

21 MR. HALL: I guess that's where I
22 picked it up. I don't know.

23 MR. PHILLIPS: I just didn't know if
24 it was like a term of art for him being in
25 service out in the field.

1 BY MR. HALL:

2 Q No. When I use the term "field," is
3 it your understanding that I'm talking about
4 the wooded area?

5 A Yes, sir.

6 Q Thank you. I'm not trying to be
7 tricky or anything.

8 MR. PHILLIPS: No, I'm not either.
9 I'm not trying to be technical.

10 MR. HALL: I can see how you --

11 MR. PHILLIPS: When you say "field,"
12 us Delta folks are thinking two different
13 things.

14 MR. HALL: Okay.

15 BY MR. HALL:

16 Q All right. So you put Prince in a
17 patrol vehicle other than yours. And when is
18 the next time you saw him?

19 A When I got to the office.

20 Q That would be the sheriff's
21 department?

22 A The sheriff's department, yes, sir.

23 Q Okay. And what was your observation
24 at that point?

25 A When I got to the office, I noticed

1 that he did have a swollen eye. At that time I
2 went on and booked him in. I put him in door
3 No. 2 until the dispatcher got ready for him.
4 Door No. 2 is like a holding cell until
5 dispatch could go ahead and get him booked in.

6 Once we got him booked in, I took him
7 over to Greenville PD where they had an
8 outstanding warrant on him. And from there, I
9 took him to the regional jail. And Jailer
10 Freddie -- the jailers out there told me he
11 needed to be medically cleared. So at that
12 time I called dispatch on the phone and told
13 them to have the ambulance to meet me at the
14 S.O.

15 So I transported Mr. Prince from the
16 S.O. -- I mean from the regional jail back to
17 the S.O. And by that time the ambulance was
18 pulling up. They come in. And at that time he
19 told me, he said -- he told them, rather, that
20 he refuse medical treatment. He didn't want
21 any kind of medical treatment. He signed a
22 refusal form.

23 So I took him back out to the regional
24 jail and told them what had happened, so they
25 went on and accepted him. When they accepted

1 him, I get a call around three something from
2 the supervisor out there saying that Mr. Prince
3 wanted to go to the -- need to go to the
4 hospital. I had Deputy Marshall go out there
5 and get him and transport him to the hospital.

6 When he gets to the hospital, Deputy
7 Marshall called me. A couple of hours later,
8 Deputy Marshall called me and told me they was
9 trying to send him to Jackson. I told him, I
10 said, hold on, let me call Major -- call Percy,
11 which is my chief deputy, assistant chief
12 deputy. I called him and told him what I had.
13 He said go ahead and release him, take him back
14 to the regional jail and release him. That's
15 what happened.

16 So after that happened, when daylight
17 come up, I went back out to the scene looking
18 for the gun as well as looking for my
19 flashlight. Which I never did find neither
20 one.

21 Q Okay. What all did you do to look for
22 a gun?

23 A What do you mean? I went back there
24 to the area we was in. Which, you know, I was
25 moving the brushes back. I mean, it was thick.

1 It's thick out there. I'm sitting there moving
 2 the brushes back. I didn't have no metal
 3 detector or nothing like that. I just went out
 4 there and just took a stick and just moved the
 5 grass back in the areas where you could see
 6 where they walked at. But I never did find one
 7 nor did I find my flashlight.

8 Q Okay. When you had gotten to the
 9 scene, initially got out and spoke with Deputy
 10 Parson, what was your understanding about how
 11 long what later turned out to be Michael
 12 Prince was still in those woods? How long was
 13 he in there? Do you know?

14 A I don't know.

15 Q Were there ever any discussion of
 16 that?

17 A No, it wasn't.

18 Q Okay. When you first saw him back at
 19 the station and you said you noticed a swollen
 20 eye, did you see any blood or anything?

21 A No, sir, I didn't. I didn't.

22 Q At any point in time later that night
 23 did you see blood on Michael Prince?

24 A No, sir, I didn't.

25 Q All right. When you put him in the

1 A I would have, but I didn't. Like I
 2 said, my focus was getting him out of the woods
 3 into a patrol car.

4 Q Okay. And do you know what time you
 5 would have called the station to tell them you
 6 were en route? Or did you?

7 A What's that?

8 Q To the jail.

9 A Do I know what time that I told them I
 10 was en route?

11 Q Right.

12 A When I called and had her to check
 13 warrants on him, it was 11:37. And it was
 14 shortly after that 11:37.

15 Q To your knowledge, was anybody
 16 arrested out at the Pearson Trailer Park that
 17 night with possession of a firearm?

18 A Not to my knowledge, no.

19 Q Okay. You want to take a break for
 20 just a second?

21 MR. PHILLIPS: I would. I'd like to
 22 take a five-minute break. We've been
 23 going a couple of hours.

24 MR. HALL: I know. And I was trying
 25 to plow through it.

1 other patrol car to be transported, did you
 2 notice any swelling or blood or anything on his
 3 face?

4 A No. I wasn't paying attention. I was
 5 just trying to get out of the woods with him
 6 and go on and get him from the scene because it
 7 was so many people coming up. There was so
 8 many people coming up. We just didn't want to
 9 cause no ruckus. I just put him in the car and
 10 said go ahead. I told them I'll deal with him
 11 when I get to the office.

12 Q People from the trailer park?

13 A Yes, just people from the trailer park
 14 coming out of their houses and all that. So,
 15 you know, just being nosy, I guess.

16 Q Wanting to know what's going on?

17 A Yeah.

18 Q All right. Would it be fair to say
 19 you kind of walked to his side and rear as you
 20 escorted him to the patrol car?

21 A Yeah, I walked to the side. Both
 22 deputies was on each side of him walking to the
 23 patrol car.

24 Q And would you have had an occasion at
 25 that point in time to look at him in the face?

1 (A BREAK WAS TAKEN.)

2 BY MR. HALL:

3 Q We've been talking about the different
 4 policy and procedure manuals.

5 MR. HALL: Can I get this marked?

6 What are we on?

7 COURT REPORTER: Five.

8 MR. HALL: You might as well just go
 9 ahead and do six, too. And let's do this
 10 one as seven.

11 (EXHIBITS 5 THROUGH 7 MARKED FOR THE RECORD.)

12 BY MR. HALL:

13 Q All right. I'm going to hand you
 14 what's been marked as Exhibit 5 and ask if you
 15 can identify that.

16 A That's copies of the Washington County
 17 policies and procedures.

18 Q Okay. Is this policies and procedures
 19 that you're looking at -- we've been referring
 20 to policies and procedures that Sheriff Gaston
 21 put in place when he came on. Are those the
 22 policies and procedures we've been referring to
 23 contained in Exhibit 5? Now, if you need to
 24 look through there, that's fine.

25 A (Reviews document.) Yes, sir.

1 Q Okay. Now, these are the ones in
 2 Exhibit 5 that were instituted by Sheriff
 3 Gaston?

4 A Yes, sir. No, no, sir, no, sir. No,
 5 no, no.

6 MR. PHILLIPS: I don't mean to
 7 interrupt, but I can clear it up if you
 8 want me to.

9 MR. HALL: I want to know, because I
 10 don't know.

11 MR. PHILLIPS: Yeah. I think this is
 12 what Victor Smith had.

13 THE WITNESS: No. This is Victor
 14 Smith. Yeah, that's --

15 MR. PHILLIPS: I apologize. I mean, I
 16 don't want to --

17 MR. HALL: I just want the right
 18 answer. I don't care who gives it to me
 19 at this point.

20 MR. PHILLIPS: I think Exhibit 5 is
 21 going to be the policies which were in
 22 place by Victor Smith and continued in
 23 place until 2010 when Sheriff Gaston
 24 instituted the new policies and procedures
 25 which begins at Bates number page 92.

1 So 1 through 91 is the old policy. 92
 2 begins the new policy.

3 BY MR. HALL:

4 Q That's the way I had it in my outline
 5 I should have referred to. Exhibit 5 is the
 6 old policy?

7 A Yes, sir.

8 Q Got it. That's what I thought. All
 9 right. And I'm going to hand you what's been
 10 marked as Exhibit 6 and ask if you can identify
 11 that. And that's going to be Bates stamped
 12 WCM-92 all the way through WCM-278; is that
 13 fair?

14 A Yes, sir. That's the new policies and
 15 procedures from Sheriff Gaston.

16 Q And I'm going to hand you what's
 17 marked as Exhibit No. 7 and ask if you can
 18 identify that. Have you seen that document
 19 before?

20 A No, sir. This is dealing with the
 21 regional jail. I have not.

22 Q It states Personnel Manual. That's
 23 not something you've ever received a copy of
 24 through any sheriff that you've worked for?

25 A No. This is for the regional jail.

1 Q Okay. All right. Insofar as you
 2 know, nothing in the personnel manual, Exhibit
 3 No. 7, applies to what you do?

4 A No, sir.

5 Q Okay. Now, if you would, turn with me
 6 to page 167. It's WCM-167 contained in Exhibit
 7 No. 6.

8 A (Witness complies.)

9 Q Are you with me?

10 A Yes.

11 Q You may want to look back to page 166
 12 to just get a frame of reference to where this
 13 is coming from. 166 says position: sworn law
 14 enforcement officer. Do you agree with that?

15 A Yes.

16 Q And this document, sworn law
 17 enforcement officer, that pertains to all
 18 deputies at the Washington County Sheriff's
 19 Department?

20 A Yes.

21 Q And that would include you?

22 A Yes, sir.

23 Q Okay. And it says supervised by
 24 sergeant on there on 166, right?

25 A Yes.

1 Q All right. And in March of 2012, you
 2 were a sergeant?

3 A Yes, sir.

4 Q Okay. And on 167 the general duties,
 5 No. 27 says, "Protect the constitutional rights
 6 of all persons encountered or arrested." That
 7 was one of your duties, right?

8 A Yes, sir.

9 Q And another one of your duties would
 10 be to use force sparingly and only when
 11 necessary to effect a lawful end, right?

12 A Yes, sir.

13 Q And then on page 168, specific duties,
 14 No. 7 states "Protect those in custody."
 15 Correct?

16 A Yes, sir.

17 Q And all were duties you were required
 18 to operate under as a law enforcement officer
 19 in Washington County and as a Washington County
 20 deputy in 2012 March, right?

21 A Yes, sir.

22 Q Okay. Did anybody tell you that the
 23 policies and procedures contained in Exhibit 5
 24 were no longer in effect at any point in time?

25 A No.

1 Q They just said -- can you tell me how
 2 it came about that you got a new manual? You
 3 got a new sheriff, and he puts this new manual
 4 in effect, right?

5 A Yes.

6 Q Would you agree with me that they
 7 contain less specific information than these
 8 policies contained in Exhibit 5?

9 MR. PHILLIPS: Object to form.

10 THE WITNESS: Some stuff has been left
 11 out, seems to be.

12 BY MR. HALL:

13 Q Well, what, to you, seems to be left
 14 out?

15 A More detailed verse about the use of
 16 force.

17 Q Do you agree that the use of force
 18 policy that is contained in Exhibit 5 is much
 19 more detailed than that contained in Exhibit 6?

20 A Yes, sir.

21 Q Do you know why that was left out?

22 A No, sir, I don't.

23 Q Okay. Is it your understanding that
 24 your use of force policy changed in any way?

25 A No. Through our training and

1 Q I mentioned interrogatories and
 2 request for production. I'm just first going
 3 to hand you your set of interrogatories. Okay?

4 A Okay.

5 Q Would you look on the back page and
 6 make sure that's your signature? It'll be the
 7 second to the back page. I?

8 A Yes, sir.

9 Q Okay. And you swore to these
 10 responses under oath?

11 A Yes, sir.

12 Q And when you filled these out, to your
 13 knowledge, everything in here is true and
 14 correct?

15 A Yes, sir.

16 Q Okay.

17 MR. HALL: If we could, let's just go
 18 ahead and mark these.

19 (EXHIBIT 8 MARKED FOR THE RECORD.)

20 BY MR. HALL:

21 Q If you would, look at your response to
 22 Interrogatory No. 4.

23 A (Witness reads document.) Yes, sir.

24 Q And you swore to these under oath?

25 A Yes, sir.

1 experience, even at the academy and even in our
 2 departmental meetings now with Sheriff Gaston,
 3 he stresses all the time use the least amount
 4 of force necessary to effect an arrest. I
 5 mean, from day one to when you graduate the
 6 academy, they instill that in you. And
 7 throughout the years, throughout my career,
 8 different supervisors have been telling me the
 9 same thing.

10 Q Okay. Who is Major Percy Miles?

11 A That's Assistant Chief Miles now. He
 12 promoted to assistant chief.

13 Q Okay. Was he on duty the night of
 14 March 16th?

15 A No. He was at home. He's my
 16 supervisor. That's who I reported to. That's
 17 who I report to.

18 Q Do you remember filling out
 19 interrogatories and requests for production in
 20 this matter?

21 A Yes, sir.

22 Q And have you had a chance to review
 23 those?

24 A Yes. But could I see them to go over
 25 them again?

1 Q And to the best of your recollection,
 2 is this a fair and accurate representation of
 3 what happened?

4 A Yes, sir.

5 Q I want to clarify a couple of things.
 6 If you'll look about middle of the way down the
 7 page on page 3 and answer to Interrogatory No.
 8 4, it says, "As I was trying to place plaintiff
 9 under arrest, he began to fight me."

10 Do you see that sentence?

11 A Yes, sir.

12 Q Okay. Was he fighting you? Was he
 13 throwing punches at you?

14 A He wasn't throwing punches at me, but
 15 he was fighting, waiving his hands. We call
 16 that fighting. Snatching away and all that, we
 17 call that fighting in law enforcement terms.

18 Q Okay. At any point did he threaten
 19 you verbally?

20 A No, sir.

21 Q Officer White, I'm going to attack
 22 you?

23 A No, sir.

24 Q Okay. And at any point did he appear
 25 to attack you other than trying to resist and

1 get away?
 2 A No, sir.
 3 Q Okay. So when you use the term
 4 "fight," you're talking about running away,
 5 pushing away?
 6 A Running away, pushing, yeah.
 7 Q Okay. All right.
 8 A Trying to keep from getting arrested.
 9 So we call that --
 10 Q And I think more to clarify, you said,
 11 "struggling to get free." That's the kind of
 12 fighting we're talking about?
 13 A Yeah.
 14 Q Okay. At no point in time did he hit
 15 you?
 16 A No.
 17 Q Okay. And your next sentence says
 18 plaintiff knocked my radio out of my -- and I
 19 skipped a few words -- which I was trying to
 20 use to call backup out of my hand. All right.
 21 That's a little different than what you
 22 testified to earlier. Earlier you said you
 23 dropped your radio.
 24 A Well, that means it dropped or was
 25 knocked out during the struggle. It was during

1 consider that as fighting.
 2 Q Okay. So is any form of resistance
 3 considered fighting?
 4 A I mean, if he's swinging and throwing
 5 his hands like that, of course he's fighting.
 6 Q Okay.
 7 A But if he's just running, that's a
 8 form of resistance. Resistance by running. So
 9 it all depends.
 10 Q Okay.
 11 A But in this situation here with the
 12 hand -- I mean, the snatching away and with the
 13 hand gestures, I classify that as fighting.
 14 Yes, sir, I do.
 15 Q Okay. And you're right. And that's
 16 what I'm trying to figure out. And in my mind,
 17 fighting is like, you know, we got fists drawn
 18 and we're ready to go to blows. That's not all
 19 what happened, right?
 20 A As far as him squaring up at me or
 21 squaring up on me?
 22 Q Right.
 23 A No, that didn't happen.
 24 Q Okay.
 25 A No, that didn't happen. What I mean

1 the struggle that my radio come up -- slipped
 2 out of my hand, well, come out of my hand.
 3 Q This specifically says, though, that
 4 he knocked it out. Did he specifically knock
 5 it out or was it just dislodged during the
 6 struggle?
 7 A When I tackled him, okay, I had my
 8 flashlight and my radio. And my flashlight
 9 slipped and fell. But during the struggle, my
 10 radio come out my hand.
 11 Q Okay. And I'm not -- this is not to
 12 be argumentative. But when I interpreted
 13 plaintiff knocked my radio, which I was trying
 14 to use to call backup, out of my hand, that
 15 appears to me to be a specific intent, almost a
 16 violent move. And what I hearing you describe,
 17 it was more of a he's trying to just get away.
 18 Is that accurate?
 19 A Once again, your definition of
 20 fighting and struggling is totally different
 21 from mine.
 22 Q Right. And that's what I'm trying to
 23 get on the same page with you.
 24 A In law enforcement, when a person is
 25 resisting and all that, we classify -- we

1 about this here, when he begins to fight, I'm
 2 talking about with the hand gestures, snatching
 3 away, trying to keep from getting arrested.
 4 That's what I'm talking about. But as far as
 5 squaring up, no.
 6 Q Okay. I just wanted to be real clear
 7 on that. All right?
 8 A Okay.
 9 Q Do you know how Michael Prince's
 10 swollen eye occurred?
 11 A Due to the injuries to Michael
 12 Prince's eye, the injury had to happen when I
 13 tackled him. Like I said, it was a bunch of
 14 tree limbs, broken tree limbs, vines and plus,
 15 the ground was hard. I mean, it was a lot of
 16 stuff out there. His eye could have got
 17 injured during the time I tackled him.
 18 But I'm going to go on record and say
 19 this here: At no point did I hit him with a
 20 flashlight. At no point did I hit him with my
 21 hand. I got screws in my hand. So no, I
 22 didn't hit him with my hand.
 23 Q Okay. All right. And then on top of
 24 that, do you have any idea specifically how his
 25 injuries occurred?

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1 A No, sir, I don't.
 2 Q Okay. Was there any indication from
 3 any of your calls that night or coming onto the
 4 property that would have indicated he may have
 5 been in an altercation earlier that day or that
 6 night at the trailer park?
 7 A They had a disturbance call out there
 8 earlier. But, like I said, I don't know
 9 nothing about that. I was on L and W and
 10 Stokes Road on another call. So I can't say.
 11 Q Okay. Based on what you've looked at
 12 and based on what you know, we have no
 13 information to show that Michael Prince's
 14 injuries occurred earlier in the night?
 15 A Not to my knowledge.
 16 Q Okay. All right. Did you hear --
 17 when you tackled him, did you hear a breaking
 18 or a popping sound or anything like that? I
 19 know you probably weren't listening for that.
 20 But if you remember --
 21 A Are you talking about as far as the
 22 limbs?
 23 Q I was talking about more like teeth or
 24 bones, eye sockets, that kind of thing?
 25 A No.

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1 Q Okay. You don't personally make any
 2 entries in the dispatch logs, do you?
 3 A What do you mean?
 4 Q Like if you were to call in, dispatch
 5 makes a record of -- say the call that we've
 6 been talking about, you don't make any entries
 7 in that log, do you?
 8 A No.
 9 Q Okay. Do you have any input into,
 10 other than your calling in, who write what and
 11 what time and that kind of thing?
 12 A No.
 13 Q Have you seen the dispatch log in
 14 relation to the night that we're talking about?
 15 A That morning I printed the log off so
 16 I could go back and do my initial report so I
 17 could get all of my times and stuff down for
 18 my --
 19 Q But that was already written and in
 20 place?
 21 A Yes, sir.
 22 MR. HALL: Okay. I'm done.
 23 EXAMINATION
 24 BY MR. PHILLIPS:
 25 Q Mack?

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1 A Yes, sir.
 2 Q You remember when he was asking you
 3 about the training you had gone to?
 4 A Yes, sir.
 5 Q And you said you had some certificates
 6 at home?
 7 A Yes, sir.
 8 Q Have you delivered to me all the
 9 certificates that you have?
 10 A Most of them. Not all of them. Like
 11 I said, I have to go -- the current ones I
 12 delivered to you. But I would have to go back
 13 and dig. I mean, they're way back when.
 14 They're not -- but the most recent ones I
 15 delivered to you. As far as the ones like my
 16 training academy certificates, the one with the
 17 leadership training academy, I mean, class I
 18 went to, those are the most recent. But the
 19 other ones at home is way back. They're 2000,
 20 2001, something like that.
 21 Q I just want to make sure that Mr. Hall
 22 has everything that he needs or he wants.
 23 Because we had delivered the Master and
 24 Leadership Skills of First Line Supervisors
 25 that you took in 2010.

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1 A Yes. That's the latest one I took.
 2 Q And one of them that wasn't mentioned
 3 was PPCT. What is that? Do you know?
 4 A Yes, sir. That's a class they give.
 5 Like a self-defense class they give you in the
 6 academy.
 7 Q All right. And so this was done in
 8 2002 when you took it?
 9 A 2000, wasn't it?
 10 Q Oh, excuse me, 2000. You're right.
 11 A Yeah, it's 2000.
 12 Q And that's when you got your basic
 13 certification?
 14 A Yes, sir.
 15 Q And the PPCT, all caps, Defensive
 16 Tactics Systems Basic Certification, did you
 17 learn use of force tactics in that?
 18 A Yes, sir, I did. Submissions and all
 19 that.
 20 Q You remember him asking you about --
 21 or your testimony about you had the radio in
 22 your left hand and the flashlight in your right
 23 hand?
 24 A Yes, sir.
 25 Q Describe the radio. What kind of

26 (Pages 101 to 104)

1 radio did you have?

2 A My radio, it's called a Walkie. And
3 it's about that tall (indicating) with an
4 antenna on top of it. And it weighs about --
5 probably about 5 pounds.

6 Q And when you were walking through the
7 woods, were you talking on it?

8 A Yes, sir.

9 Q And who were you talking to?

10 A To Sergeant Parson at the fence line
11 over there.

12 Q And describe the flashlight you had in
13 your right hand.

14 A It was a flashlight -- the police --
15 when this new technology started back, I
16 purchased this Stinger flashlight. It's about
17 6 inches long. I purchased it from Dixon
18 Uniform. They're getting away -- they done got
19 away from the big, bulky flashlights. Because
20 with these new flashlights, they're LEDs.
21 They're brighter and plus, they're lighter.
22 With the big, bulky Maglites, they're heavy and
23 they're dim. I mean their light is not as
24 bright as the LED flashlights.

25 Q You were in here earlier this morning

1 when Mr. Prince testified that you hit him with
2 a Maglite?

3 A Yes, sir.

4 Q Did you use a Maglite?

5 A No, sir. I haven't carried a Maglite
6 since 2004. I carry a Stinger.

7 Q Okay. The Stinger, now, that's the
8 brand name, right?

9 A Yeah, that's the brand name. It's a
10 Stinger LED flashlight.

11 Q And how long, in your estimation, do
12 you think that Stinger is?

13 A About no more than 7 or 8 inches. 6
14 or 7 or 8 inches, somewhere in there.

15 Q In diameter, how would you describe
16 it?

17 A It's about like that (indicating).

18 Q Is it about like a quarter? A 50 cent
19 piece or what?

20 A No, it's a little bigger than that.
21 It's not even the size of this water bottle.
22 The water bottle is too big. The size of that
23 cup is too big. So it's real -- it's real
24 small.

25 Q And do you have any estimation on how

1 much that flashlight weighs?

2 A If that flashlight -- a pound. Might
3 be two. Two is probably too much.

4 Q Did you ever subdue Mr. Prince before
5 Cartlige arrived?

6 A No, sir.

7 Q You said you didn't put cuffs on him
8 by yourself. Why didn't you put cuffs on
9 Prince by yourself?

10 A At the point he was -- I mean, he was
11 still fighting. He was still struggling trying
12 to get away. And I was doing everything I
13 could to just keep my knee in his back and my
14 hand around his head. And I had my pistol in
15 my right hand trying to keep him down until
16 backup arrived. I heard Deputy Cartlige and
17 them coming. So the two would be better.

18 Q Are you saying Mr. Prince never
19 complied with your directions so that you could
20 cuff him by yourself?

21 A No, sir, no, sir, he never complied.

22 Q And when you finally did get him
23 cuffed, what did he look like to you?

24 A I mean, when I got him up, I mean, he
25 was sweating real bad. But at that time I

1 didn't get a look at his face.

2 Q It was dark, right?

3 A It was dark, yes.

4 Q What did he smell like?

5 A Like a whiskey still or brewer. I
6 mean, you could smell the alcohol coming off of
7 him.

8 Q Based on your perception of him, did
9 he appear to be intoxicated?

10 A Yes.

11 Q Was he talking?

12 A He was saying a few words. But, like
13 I said, I couldn't understand what he was
14 saying.

15 Q All right. So you and Cartlige, I
16 think you testified, took him back out and you
17 put him in Deputy Jackson's car?

18 A Yes.

19 Q Did you stay at the scene?

20 A When Deputy Jackson took him to the
21 office, I was on the radio telling dispatch --
22 at that time we had found the radio. I was
23 telling dispatch to go ahead and check. I
24 found out what his name was and all. I told
25 them to go ahead and check warrants.

1 I was walking back to my patrol car to
 2 go and meet them at the office with him. And
 3 when I got to the office, that's when I took
 4 over the arrest and booked him in and all that.

5 Q Did you ever speak to any people who
 6 may have witnessed anything out there at the
 7 scene?

8 A I had went back later and talked to --
 9 I can't remember her name. I took a statement
 10 from her. I took a statement from her.

11 Q We have a statement from Tekoah
 12 Arrington.

13 A Yes, that's her.

14 Q And was that the next morning?

15 A That was the next morning, yeah. That
 16 was the next day.

17 Q And let me make sure I understand.
 18 You said -- you testified you went back out
 19 there and you looked for the flashlight and you
 20 looked for the gun?

21 A Yes, sir.

22 Q And you found neither?

23 A Neither.

24 Q And that's when you talked to her?

25 A Yes, sir.

1 Q And just basically, what did she tell
 2 you?

3 A Basically that when the deputies come
 4 out there earlier on a disturbance, he was into
 5 it with somebody else. And as they was into
 6 it, at that time Michael shot, and he run
 7 around the trailer and put the gun down and
 8 then run out towards the woods. That's what
 9 she told me.

10 Q Okay.

11 MR. PHILLIPS: I don't have anything
 12 further.

13 MR. HALL: Okay. Well, I do now. And
 14 mark this as Exhibit 9.

15 (EXHIBIT 9 MARKED FOR THE RECORD.)

16 FURTHER EXAMINATION

17 BY MR. HALL:

18 Q I hand you what's been marked as
 19 Exhibit 9 and ask if you can identify that
 20 document.

21 A Okay. Yes, sir, I can.

22 Q Okay. You had just mentioned when
 23 your attorney asked you about taking a
 24 statement -- this deals with Tekoah Arrington;
 25 is that correct?

1 A Yes.

2 Q Is this the statement you took from
 3 her?

4 A Um-hum (affirmative response).

5 Q And this statement was taken the day
 6 after?

7 A Yes. On the 17th, yes, sir.

8 Q The report finishes up on the 17th for
 9 Michael Prince. Did you have this information
 10 prior to drafting your report?

11 A No, sir.

12 Q Okay. So it's fair to say you drafted
 13 your report and then went back out to the
 14 Pearson Trailer Park and took this statement
 15 from Ms. Arrington?

16 A Yes, sir.

17 Q How did you find her?

18 A Bobbie White.

19 Q Okay. And that's the manager?

20 A The manager, yes.

21 Q What did Bobbie White tell you about
 22 her?

23 A I went back out there and I asked
 24 Bobbie. Because I'm thinking Bobbie, you know,
 25 knew what's going on. And she told me she did

1 have a young lady that knew what happened, and
 2 that's when she gave me her. And I made
 3 contact with her and that's the statement she
 4 wrote me.

5 Q Okay. All right. I was provided a
 6 document that's marked as WCM-284. See if you
 7 can look at that and tell me what that is.

8 A Yes. Those are -- I took a picture of
 9 this this morning. I mean the morning that I
 10 went back looking for the handgun as well as my
 11 flashlight.

12 Q And I'm going to hand you also
 13 WCM-283.

14 A Okay. Now, this picture here is where
 15 we was located when I took Mr. Prince into
 16 custody.

17 Q Okay. These pictures that we're
 18 looking at on the WCM-283, 284, they're
 19 terrible copies. Do you have better copies
 20 than those?

21 A No, sir.

22 Q You don't?

23 MR. PHILLIPS: That's as good as it
 24 gets. I asked the same question.

25 THE WITNESS: This is the fence

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1 (indicating). This is the trailer park
 2 (indicating). That's the fence line
 3 (indicating). This is the wooded area
 4 (indicating) that show you -- just to give
 5 you an overall view of what, I mean, what
 6 it looked like. And this here
 7 (indicating) I went back to where -- this
 8 here, I went back and took that picture
 9 there from where Mr. Prince was laying at
 10 and we took him into custody and all that.

BY MR. HALL:

Q Okay. And you're pointing to WCM-233
 -- 283, I mean?

A Yes, sir.

Q Yeah.

MR. HALL: Let's just go ahead and
 mark both of these as the next exhibit.
 Ten?

COURT REPORTER: Um-hum (affirmative
 response).

MR. HALL: Those are horrible. It
 looks like reverse negative copies.

(EXHIBIT 10 MARKED FOR THE RECORD.)

THE WITNESS: What I had done, I took
 the pictures that morning and printed them

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off, and I stapled the pictures to the
 original report. So I don't know what
 became of them.

MR. PHILLIPS: Do they have black and
 white copies of the pictures?

THE WITNESS: I don't know what
 happened.

BY MR. HALL:

Q You actually took colored pictures?

A Yes, sir.

Q All right.

MR. PHILLIPS: I'll get them to check
 again. But that's what they gave me. And
 I even asked about --

MR. HALL: But those are useless for
 any purpose.

MR. PHILLIPS: These are the original
 black and whites. You want to look at
 these real quick that I was provided?

MR. HALL: Oh, they're better. Look.
 The more you copy, the worst they get.

MR. PHILLIPS: Yeah. That's why I
 wasn't going to let them out of my hands.
 I was going to give you the best I had.
 I'd give you access to them anytime you

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want. I don't know if it helps a whole
 lot.

MR. HALL: Well, let's compare and
 contrast. I can tell that this is the
 same photo just because of that little --
 you know, that's a little -- whatever.
 All right.

MR. PHILLIPS: I'll get them to check
 one more time.

MR. HALL: Okay. And a couple more
 things and I'm done.

BY MR. HALL:

Q Do you have any training in DUI
 detection?

A DUI detection?

Q Yeah.

A In basic -- well, when we went through
 the training academy, you know, you have to get
 certified on that intoxilyzer. But that's all
 I have just an intoxilyzer certification.

Q Okay. So you've been through a little
 training in alcohol detection?

A Yes, sir.

Q And you know by the smell alone, you
 can't tell how much anyone has had to drink,

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can you?

A That's right.

Q Because beer and wine and things that
 are lower in alcohol actually tend to have a
 stronger smell than maybe vodka or such as
 that. Do you agree with that?

A I agree to that.

Q So just because somebody smells like
 alcohol, you can't tell what their level of
 impairment is, can you?

A No, sir.

Q Okay.

MR. HALL: Okay. That's it. I don't
 have anything else.

MR. PHILLIPS: I don't have anything
 further.

(DEPOSITION CONCLUDED AT 4:00 p.m.)

29 (Pages 113 to 116)

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1 SIGNATURE OF WITNESS

2 I, _____, do solemnly
 3 swear that I have read the foregoing pages and
 4 that the same is a true and correct transcript
 5 of the testimony given by me at the time and
 6 place hereinbefore set forth, with the
 7 following corrections:
 8 PAGE: LINE: SHOULD READ: REASON FOR
 9 CHANGE:

10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____

(SIGNATURE)

NOTARIZATION

22 I, _____, notary public
 23 for the State of _____,
 24 _____ County, do hereby certify that
 25 _____ personally appeared before

Page 118

1 me this _____ day of _____, 2014, at
 2 _____,
 3 My Commission Expires
 4 _____

(NOTARY PUBLIC)

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CERTIFICATE OF COURT REPORTER

I, Debra A. Williams, CCR, and Notary
 Public in and for the County of Madison, State
 of Mississippi, hereby certify that the
 foregoing pages, and including this page,
 contain a true and correct transcript of the
 testimony of the witness, as taken by me at the
 time and place heretofore stated, and later
 reduced to typewritten form by computer-aided
 transcription under my supervision and to the
 best of my skill and ability.

I further certify that I placed the
 witness under oath to truthfully answer the
 questions in this matter under the power vested
 in me by the State of Mississippi.

I further certify that I am not in the
 employ of or related to any counsel or party in
 this matter, and have no interest, monetary or
 otherwise, in the final outcome of the
 proceedings.

Witness my signature and seal this the
 day of _____

DEBRA A. WILLIAMS, CCR
 My Commission Expires May 12, 2014

30 (Pages 117 to 119)